

The Smithfield Town Council met in regular session on Tuesday, January 4, 2022 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, John A. Dunn, Mayor Pro-Tem presided.

Councilmen Present:

Marlon Lee, District 1  
David Stevens, District 2  
Dr. David Barbour, District 4  
Stephen Rabil, At-Large

Councilmen Absent

M. Andy Moore, Mayor  
Travis Scott, District 3  
Roger Wood, At-Large

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 Pro-Tem Dunn called the meeting to order at 7:00 pm.

**INVOCATION**

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

**APPROVAL OF AGENDA:**

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

Add to Business Items: 4. *Consideration and request for approval to hire McCormick-Taylor to prepare two grant applications for NC Land and Water Fund (LWF) funding.*

Unanimously approved.

**PRESENTATIONS:**

**1. Acceptance of the 2021 North Carolina American Water Works Association & Water Environment Federation Award for Potable Water Distribution System of the Year**

Public Utilities Director Ted Credle informed the Council the Town of Smithfield owns & operates 122 miles of pressurized water main, 4 above-ground water storage tanks, and 2 pumping stations all serving over 6,000 customers. Over the past 98 years, the NC-AWWA has awarded the best and most efficient caretakers of water systems throughout North Carolina's water industry. For the fifth consecutive year, the Town of Smithfield has won the top honor for the state of North Carolina, in their division. Mayor Pro-Tem Dunn presented the award to Public Utilities Director Ted Credle.

**2. Acceptance of the 2021 North Carolina American Water Works Association & Water Environment Federation Award for Sanitary Sewer Collection System of the Year**

Public Utilities Director Ted Credle informed the Council the Town of Smithfield has demonstrated that they perform quality collection system maintenance procedures through the efficient use of labor, materials, equipment, and innovative methods to keep their collection system in good working condition to minimize health hazards and property damage that occur due to sanitary sewer over flows during both wet weather and dry weather conditions. The award honors the collection system personnel that serve their community with a high level of professionalism and diligent work in the operation and maintenance of their wastewater collection system facilities. Mayor Pro-Tem Dunn presented the award to Public Utilities Director Ted Credle.

**PUBLIC HEARINGS:**

**1. Noncontiguous Annexation Request – Twin Creeks Phase 1A (ANX-21-02):**

Consideration and request for approval to Adopt Ordinance #507 extending the corporate limits of the Town of Smithfield pursuant to NCGS 160A-58.2

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

Planning Director Stephen Wensman explained this was a request by Navaho Investments for voluntary satellite annexation of 1.61 acres into the Town of Smithfield adjacent to the Twin Creeks Phase 1 development site on Black Creek Road approximately 1,800 ft southwest of the intersection

of NC Highway 210 and Black Creek Road. Mr. Wensman explained the area was part of the property annexed into the Town in 2018 with vested rights for preliminary plat of Twin Creeks Phase 1. After annexation, the developer's attorney identified an error on the deed and made a deed correction showing the 1.61 acres of land belonging to the developer's property. As a result of the deed error, the 1.61 acres was omitted from the 2018 annexation and the Twin Creeks Phase 1 preliminary plat. After annexation, the developer intends to have the 1.61 acres rezoned to R-20A and platted into 3 lots with access onto the Twin Creeks Phase 1 street and connected to the Town's utilities in Twin Creek Phase 1.

Mayor Pro-Tem Dunn asked if there were any questions from Council. There were none.

Mayor Pro-Tem Dunn 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 Rabil, to close the public hearing. Unanimously approved.

Councilman Barbour made a motion, seconded by Councilman Stevens to approve Ordinance No. 507 extending the corporate limits of the Town of Smithfield.

ORDINANCE No. 507 TO EXTEND THE CORPORATE LIMITS OF THE  
TOWN OF SMITHFIELD, NORTH CAROLINA

WHEREAS, the Town Council has been petitioned under G.S. 160A-58.1 to annex the area described below; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held in the Council Chambers of the Smithfield Town Hall at 7:00 pm on January 4, 2022 after due notice by publication in the Johnstonian News on December 22, 2022; and

WHEREAS, the Town Council finds that the area described therein meets the standards of G.S. 160A-58.1 (b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the Town;
- c. The area described is so situated that the Town will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;
- e. By virtue of an act of the General Assembly, The Town of Smithfield is exempt from exceeding ten percent (10%) of the area within the primary corporate limits of the Town, and

WHEREAS, the Town Council further finds that the petition has been signed by all the owners of the real property in the area who are required by law to sign; and

WHEREAS, the Town Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town and of the area proposed for annexation will be best served by annexing the area described;

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous territory is hereby annexed and made part of the Town of Smithfield, as of January 4, 2022

Lying and being situated in Johnston County, North Carolina and being more particularly described as follows:

Being that certain Parcel in Smithfield Township, Johnston County, North Carolina and lying to the south of Black Creek Road / S.R. 1162, to the west of property owned by Derek E. Thompson (Deed Book 4881, Page 505), and being more particularly described as follows:

BEGINNING at an existing P. K. Nail (control corner) in the center of Black Creek Road / S.R. 1162 (a 60' Public Right of Way), thence leaving the above-mentioned

road in a southerly direction South 11 ° 29' 47" East 214.95 to a large poplar; thence South 40° 28' 08" West 167.89 feet to a point; thence North 66° 43' 24" West 242.34 feet to a point;

thence North 25° 19' 35" West 86.25 feet to an existing railroad spike in the center of Black Creek Road/ S.R. 1 162 (a 60' Public Right of Way); thence along the center of the above-mentioned road the following two (2) calls, North 63 ° 51' 59" East 265.01 feet to an existing P. K. Nail; thence North 61 ° 21' 38" East 99.95 feet to the POINT OF BEGINNING and containing 1.61 total acres more or less.

See Map Book 66, Page 114, Johnston County Registry from which this legal description was taken.

Section 2. Upon and after January 4, 2022, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Smithfield and shall be entitled to the same privileges and benefits as other parts of the Town of Smithfield. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. 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 at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy this ordinance. Such a map shall also be delivered to the Town Board of Elections, as required by G.S. 163-288.1.

Section 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the Town of Smithfield.

- 2. Rezoning Request – Twin Creeks Phase 1A (RZ-21-04):** The applicant was requesting to rezone one parcel of land totaling 1.61 acres from the Johnston County AR (Agricultural Residential) zoning district to the Town of Smithfield R-20A (Residential-Agricultural) zoning district. The property considered for approval is located on the south side of Black Creek Road approximately 1,650 feet of south west of its intersection with NC Hwy 210 and further identified as Johnston County Tax ID# 15I09052A

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

Planning Director Stephen Wensman explained a portion of the subject property, 21.26 acres, was annexed into the Town on December 5, 2018, and subsequently rezoned to R20-A. In 2021, the developer discovered that there was a mistake with the legal description on the title documents which has resulted in an additional 1.61 acres of land associated with the property (Johnston County ID #15I09011B). The original annexation and rezoning by the Town did not include this 1.61 acres of land. The developer would now like to rezone the additional 1.61 acres of land to R20-A. The intent of the rezoning is to add the 1.61 acres to the proposed Twin Creeks development which is currently zoned R20-A and is pending construction. The developer plans on developing the area into additional residential lots.

The Planning Department and the Planning Board recommend approval of the rezoning from AR to R20-A Residential/Agriculture with a consistency statement declaring the request to be consistent with the Town of Smithfield Plans and Policies 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 January 4, 2022 agenda packet.

Mayor Pro-Tem Dunn asked if there were any questions from Council.

Councilman Barbour questioned if it was necessary to rezone this property since it was just annexed into the Town. Mr. Wensman responded it was necessary to have the property properly zoned for its intended use.

Mayor Pro-Tem Dunn 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 Rabil, to close the public hearing. Unanimously approved.

Councilman Barbour made a motion, seconded by Councilman Rabil, to approve zoning map amendment, RZ-21-04 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. Unanimously approved.

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

3. **Preliminary Plat Approval – Twin Creek Phase 1A (S-21-06)**: The applicant was preliminary subdivision approval for the creation of three lots from a 2.01-acre tract of land. The property considered for approval is located on the south side of Black Creek Road approximately 1,650 feet of south west of its intersection with NC Hwy 210 and further identified as Johnston County Tax ID# 15109052A

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

Planning Director Stephen Wensman testified a portion of the subject property 21.39 acres, was annexed into the Town on December 5, 2018, with the preliminary plat of Phase 1, and then subsequently rezoned to R20-A. In 2021, the developer discovered that there was a mistake with the legal description on the title documents which has resulted in an additional 1.61 acres of land associated with the property (Johnston County ID #15109011B). The original annexation and rezoning by the Town did not include this 1.61 acres of land. With a petition for annexation, and rezoning to R-20A, the developer is requesting preliminary plat approval to create 3 new lots. Staff finds the preliminary plat consistent with the approved master plan.

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

**STAFF'S OPINION ON THE FINDINGS OF FACT**

1. The plat is consistent with the adopted plans and policies of the town; *The plan is consistent with the adopted plans and policies of the town.*
2. The plat complies with all applicable requirements of this ordinance; *The plan complies with all applicable requirements of this ordinance.*
3. There exists adequate infrastructure (transportation and utilities) to support the plat as proposed. *There is adequate infrastructure*
4. The plat will not be detrimental to the use or development of adjacent properties or other neighborhood uses. *The plat will not be detrimental to the use or development of adjacent properties or other neighborhood uses.*

Planning Staff recommends the Town Council approve the preliminary plat of Marin Woods, S-21-06, with the following conditions based on finding of fact for preliminary subdivisions:

1. That the driveway aprons be constructed in accordance with the Town's Standard Specifications and Details.
2. That the final plat of Twin Creeks Phase 1A be made after the recording of the Twin Creeks Phase 1 final plat.
3. That the 3 lots be incorporated into the Twin Creeks HOA.
4. That the developer pays the fee-in-lieu of park dedication prior to final plat
5. That all utility fees be paid prior to final plat.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the January 4, 2022 agenda packet.

Mayor Pro-Tem Dunn asked if there were any questions or comments from the Council. There were none.

Mayor Pro-Tem Dunn asked the applicant if they agreed with the testimony provided by Mr. Wensman and if they had additional testimony to offer. The applicant testified he agrees with the testimony provided by Mr. Wensman.

Mayor Pro-Tem Dunn asked if there was in attendance that was duly sworn in who wished to testify on the matter. There was no one in attendance who wished to testify on the matter.

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

Councilman Barbour made a motion, seconded by Councilman Rabil, to approve preliminary plat, S-21-06, with 5 conditions of approval, based on the 4 finding of fact for preliminary subdivision. Unanimously approved.

Approved Conditions:

1. That the driveway aprons be constructed in accordance with the Town's Standard

Specifications and Details.

2. That the final plat of Twin Creeks Phase 1A be made after the recording of the Twin Creeks Phase 1 final plat.
3. That the 3 lots be incorporated into the Twin Creeks HOA.
4. That the developer pays the fee-in-lieu of park dedication prior to final plat
5. That all utility fees be paid prior to final plat.

4. **Rezoning Request – Kimicka Woodin (RZ-21-05)**: The applicant was requesting to rezoning one parcel of land totaling .93 acres from the R-20A (Residential-Agricultural) zoning district to the R-10 (Residential) zoning district. The property considered for rezoning is located on the north side of Laurel Drive approximately 136 feet east of its intersection with Laurelwood Drive. The property is further identified as Johnston County Tax ID# 15078014A.

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

Planning Director Stephen Wensman explained the applicant was requesting to rezone 310 Laurel Drive from R-20A to R-10 in order to run a small child care center out of her home. Mr. Wensman explained the subject parcel and all but one of the residential lots on the north side of Laurel Drive between Laurelwood Drive and Laurel Circle are zoned R-20A. The lots on the south side of Laurel Drive and elsewhere in the neighborhood are zoned R-10. The applicant wants to run a small child care center out of her home and found out that the use is not allowed in the R-20A Zoning District, but would be allowed in the R-10 District.

Mr. Wensman further explained the R-10 District is currently located across Laurel Drive, so the rezoning would not be a spot zone. The R-20A District would continue to surround the 310 Laurel Drive to the west, north, and east boundary of the property. The property is connected to Town water and sewer facilities. The property exceeds the R-10 dimensional requirements and is larger than the properties adjacent to it. The existing home is located in the center of the property making a lot split impossible without removal of the existing home. The parcel to the west is vacant. The parcel to the east is a cemetery. Child Care Centers are subject to the supplemental standards found in Section 7.4.1 of the UDO which address outdoor play area, parking and drop-off areas. The property is well suited for the accessory use.

The Planning Department and the Planning Board recommend approval of the rezoning from AR to R20-A Residential/Agriculture with a consistency statement declaring the request to be consistent with the Town of Smithfield Plans and Policies 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 January 4, 2022 agenda packet.

Mayor Pro-Tem Dunn asked if there were any questions from Council. There were none.

Mayor Pro-Tem Dunn 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 Rabil, to close the public hearing. Unanimously approved.

Councilman Barbour made a motion, seconded by Councilman Rabil, to approve zoning map amendment, RZ-21-05 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. Unanimously approved.

#### **CITIZEN'S COMMENTS:**

- Smithfield resident, Angelique Legette, addressed the Council on a recent incident with an off-duty Police Captain that appeared on the local new channels. She appealed to the Council for transparency in this matter. She stated it was important to reassure citizens that any investigation would be impartial and unbiased.

#### **CONSENT AGENDA:**

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

1. The following minutes were approved:
  - December 7, 2021 – Regular Meeting
2. Approval was granted to promote an employee from Journeyman Lineman to Electric Line Crew Leader due to a recent retirement
3. Approval was granted to promote a Police Officer I to the rank of Police Officer II.
4. Approval was granted to allow employees to donate sick time to an employee in the Public

## Utilities Water/Sewer Department

5. Approval was granted to enter into an agreement with Stantec Consulting Services, Inc. in the amount of \$24,000 for surveying services
6. Approval was granted to enter into a contract with McAdams Company to perform and develop the comprehensive parks, recreation and open space master plan
7. Approval was granted to appoint Mary Reece and reappoint Jeremy Pearce and Tim Depp to the Downtown Smithfield Development Corporation.
8. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
P/T Firefighters (5 positions)	Fire	10-20-5300-5100-0210	\$17.60/hr.
P/T Athletics Staff	P&R-Recreation	10-60-6200-5100-0210	\$10.00/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
Fire Marshal	Fire	10-60-6220-5100-0200
IT Support Specialist	General Government	10-10-4100-5100-0200
	PU – Water/Sewer (1/3)	30-71-7220-5100-0200
	PU – Electric (1/3)	31-72-7230-5100-0200
Police Officer I – Patrol (6 positions)	Police	10-20-5100-5100-0200
Police Officer – Administration	Police	10-20-5100-5100-0200
P/T Collections Assistant	PU – Electric/CS	31-72-7230-5100-0200
Payroll/Accounting Technician II	Finance	10-10-4200-5100-0200
PU – Water/Sewer (1/3)		30-71-7220-5100-0200
PU – Electric (1/3)		31-72-7230-5100-0200
Pump Station Mechanic	PU – Water Sewer	30-71-7220-5100-0200
Sanitation Equipment Operator	PW - Sanitation	10-40-5800-5100-0200
Sanitation Worker	PW - Sanitation	10-40-5800-5100-0200
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. Consideration and request for approval to sell property located at 801 Second Avenue by using the upset bid process and adoption of Resolution No. 692 (01-2022)**

Town Manager Michael Scott addressed the Council on selling property located at 801 Second Avenue by using the upset bid process. The Town Manager explained the Town was being asked to sell the empty lot. The Town acquired the lot several years ago following what appears to be a condemnation. The house that originally was located on the property has been removed and the lot is currently empty and requires normal maintenance from town staff such as mowing. Under NC G.S. 160A-268, 269, & 270, the Town can sell real property through the method of sealed bids, upset bids, or public auction. The lot currently provides no service to the Town of Smithfield and appears it would be better used if owned by a private citizen. Staff is recommending the Council approval an upset bid process to sell the lot.

The upset bid process begins with an initial offer from an interested buyer that must be approved by the Town Council. Notice of the upset bid process is advertised in the local paper. Once all sealed bids are opened, if a higher bid is submitted, the process of advertising and accepting higher bids is repeated until the highest overall bid is received. Once the highest bidder is identified, staff will bring that back to the Council for approval. The Council also has the right to reject any offer.

Mayor Pro-Tem Dunn questioned the tax value of the property. The Town Manager replied that since it was owned by the Town, no tax value was assigned.

Councilman Barbour questioned if there were any future uses of this property by the Town. The Town Manager replied there was nothing in the Town's comprehensive plan or parks plan where that lot could be used. The lot was too small and didn't provide adequate parking.

Councilman Barbour made a motion, seconded by Councilman Rabil, to approve the sale of property located at 801 Second Avenue by using the Upset Bid Process and adoption of Resolution No. 692 (01-2022). Unanimously approved.

Town of Smithfield  
Resolution No. 692 (01-2022)  
Authorizing Upset Bid Process  
Negotiated Offer and Upset Bid (G.S. 160A-269)

WHEREAS, the Town of Smithfield owns certain property, an empty lot located at 801 2nd Avenue, Smithfield NC; and

WHEREAS, North Carolina General Statute § 160A-269 permits the city to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the Town has received an offer to purchase the property described above, in the amount of \$5,000, submitted by Lashion Darden of Wilmington; and

WHEREAS, Lashion Darden will pay the required five percent (5%) deposit on her offer prior to publication;

THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SMITHFIELD RESOLVES THAT:

1. The Town Council authorizes sale of the property described above through the upset bid procedure of North Carolina General Statute § 160A-269.
  2. The Town Clerk shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.
  3. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the city clerk within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the town clerk shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
  4. If a qualifying higher bid is received, the town clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Town Council.
  5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.
  6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The town will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The town will return the deposit of the final high bidder at closing.
  7. The terms of the final sale are that
    - the Town Council must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed, and
    - the buyer must pay with cash at the time of closing.
  8. The city reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.
  9. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate town officials are authorized to execute the instruments necessary to convey the property Lashion Darden.
- 2. Consideration and request for approval to award a bid to Geological Resources, Inc. in the amount of \$ 15,562.00 for the removal of gas tanks and pumps at Fire Station One**

Fire Chief Michael Brown addressed the Council on a request to award a bid to Geological Resources, Inc. for the removal of gas tanks and pumps at Fire Station One. Chief Brown explained he was going to present this item to the Council during the upcoming budget sessions since it was not budgeted in this fiscal year. NC Department of Environmental Quality recently inspected the tanks and issued two violations citing the tanks needed to be pressure tested at an estimated cost of \$350.00 per tank. The tanks could be locked out for use by the state until test is performed. The Town has one month to comply. The removal of the tanks would be the best option since the concrete pad above the area is cracked and showing evidence of deterioration. Staff has begun the process of removing as much fuel as possible from the tanks.

Chief Brown further explained the estimate provided was not an exact quote because the company may encounter unforeseen issues.

Mayor Pro-Tem Dunn questioned what would be the protocol for emergency services vehicles to get fuel in the event of a fuel shortage. Chief Brown responded it was his understanding that some gas stations around Town held some fuel in reserves for the Town for emergency service vehicles. He further stated he spoke with the Selma Fire Chief and there was a facility in Selma that could provide

fuel for the Fire Department.

Councilman Barbour question the amount of fuel used by the Fire Department each month. Chief Brown responded approximately 400 gallons of diesel fuel are used a month. Councilman Barbour stated an above-ground tank may be a better option. Town Manager Michael Scott responded there was an above-ground tank at Public Works. He also reminded the Council that this was an unbudgeted expense. Contingency funds would be used for this project.

Mayor Pro-Tem Dunn stated he thought it would be in the best interest of the Town to remove the fuel tanks.

Councilman Barbour stated it may be advantageous for the Town to have its own above-ground fuel tank since buying in bulk was typically cost effective. The Town Manager responded there wasn't really any savings to buying in bulk since the service stations do not charge the Town any tax on fuel.

Councilman Barbour made a motion, seconded by Councilman Rabil, to award the bid to Geological Resources in the amount of \$15,562 for the removal of fuel tanks at Fire Station One. Unanimously approved.

### **3. Consideration and request for approval to purchase a knuckleboom truck for the Public Works Sanitation Department**

Public Works Supervisor Michael Sliger addressed the Council on a request to purchase a knuckleboom truck for the Public Works Sanitation Department. Mr. Sliger explained the cost of the truck has increased \$18,000 from what it was originally quoted.

Mayor Pro-Tem Dunn stated \$160,000 was approved for the purchase of the truck. Town Manager Michael Scott responded that in the current market, the price has increased to \$178,000. The additional funds needed for this purchase would come from the general fund contingency line.

Councilman Rabil questioned the age of the truck being replaced. Mr. Sliger responded it was a 2007 model. The oldest in the knuckleboom fleet.

Councilman Rabil asked why staff chose the Amick brand knuckleboom over the other two options. Mr. Sliger responded that the other Amick knuckleboom in the fleet is the easiest to work with and the easiest to repair when needed. There is another brand currently in the fleet that begun having issues five years after purchase. Staff felt this was the best product.

Councilman Barbour made a motion, seconded by Councilman Rabil, to approve the purchase of the knuckleboom truck for the Public Works Sanitation Department by awarding the bid to AMICK Equipment in the amount of \$177,598. Unanimously approved.

### **4. Consideration and request for approval to hire McCormick-Taylor to prepare two grant applications for NC Land and Water Fund (LWF) funding**

Planning Director Stephen Wensman introduced Brian Roberts from McCormick-Taylor. Mr. Wensman explained staff was seeking approval to hire McCormick-Taylor to prepare two grant application for the NC Land and Water Fund. Mr. Wensman explained in 2021, McCormick-Taylor successfully prepared the application for the NCAG's environmental grant for the Spring Branch Community Restoration Project resulting in a \$100,000 grant award. The project is scheduled for construction later this year. The grant award was just less than half the cost of the project. McCormick-Taylor is proposing to prepare an application for a grant that would cover the remaining costs of the project. The second grant application would be for a planning grant that would address all the remaining Spring Branch capital improvement projects and further develop the greenway concept connecting the Ava Ennis/Smith-Collins trails to the Buffalo Creek Greenway along the Neuse River. The study would better position the town to receive implementation grants in the future. The study would also identify potential sources of grant funding. The Ava Ennis/Smith-Collins Park trail project was recently funded by the NC State Budget Bill and construction is expected in late 2022.

Brian Roberts explained the two grant opportunities for the Town was restoration for the Spring Branch and the Planning for the Corridor Planning Study. The restoration grant would ask for the remaining funds for the Spring Branch Restoration Project which would amount to approximately \$100K. The second grant in the amount of approximately \$75,000 for would be used for the Spring Branch Corridor Resiliency/Restoration/Greenway Plan.

Councilman Rabil questioned when the grants would be awarded. Mr. Roberts responded they would be awarded in the fall.

Mayor Pro-Tem Dunn questioned when the applications were due. Mr. Roberts responded they were due by February 1<sup>st</sup>.

Town Manager Michael Scott reminded the Council that contingency funds would be used for this project.

Councilman Barbour made a motion, seconded by Councilman Rabil, to approve the expenditure of \$8700 to hire McCormick-Taylor to prepare two grant applications for NC Land and Water Funding. Unanimously approved.



**Councilmembers Comments:**

- Councilman Barbour informed the Council he has been receiving complaints from residents about increased traffic on Whitely Drive and Britt Street. He reminded the public of the Pedestrian Planning Meeting on January 20<sup>th</sup>.
- Councilman Lee expressed his concerns about the Smithfield Police Department. He stated that while leaving Town Hall he was stopped by a patrol officer for speeding in downtown which he contends he was not speeding. There were other areas and establishments in Town that based on the demographics, were never patrolled by the Police. He stated that Smith Collins Park is used by another ethnic group for baseball games on Sundays and the Police never patrol the area. The Police begin patrolling the area around Smith Collins Park after the baseball games have concluded. He stated Chief Powell was respected in the East Smithfield community because he knows everyone, but the department was only as good as its weakest person. He questioned if the Police Department was ready for the next 5 years or the next 10 years.

**Town Manager's Report:**

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

- Pedestrian Planning Meeting to be held on January 20<sup>th</sup>. He encouraged everyone to attend.
- The leaf truck has been repaired and is back in service. Four Oaks had lent us a leaf trailer which assisted us greatly while our truck was down.
- The Town will be closed on Monday, January 17<sup>th</sup> in observance of Martin Luther King Jr. Day. The normal parade on Market Street has also been cancelled due to Covid-19 concerns. Due to Covid concerns the annual Martin Luther King Jr. parade has been cancelled.
- The SRAC is waving enrollment fees for new memberships through January 10<sup>th</sup> if anyone wants to further those physical fitness New Year's resolutions.
- A special Council Meeting is being scheduled for Tuesday, January 18<sup>th</sup> at 6:30 to discuss the use of the American Recue Plan Act (ARPA) funds from the federal government. The Town is scheduled to receive a total of \$4,138,286.41.

Councilman Barbour requested an update on the State grant for the CSX drainage pipe. The Town Manager responded the Town had received a state appropriation of \$950,000 to add additional piping under the CSX railway in the 1500 and 1600 blocks of South Brightleaf Boulevard. Staff met with CSX via zoom to determine the direction needed and to complete paperwork with CSX. To move forward with replacing the culverts, the Town has to receive the grant approval and contract with the State. Staff anticipated receiving the grant contract later in the week. Once the Town receives the contract and it's been fully executed, then staff can move forward with CSX to initiate the engineering and construction of upsizing the pipe size.

Councilman Barbour questioned if the Town would be responsible for the drainage pipes once the project was completed. The Town Manager responded he has not had that conversation with CSX. He stated he has expressed to CSX representative that the Town does not want to own or be responsible for the drainage pipes. He would be willing to take responsibility for the pipe for a short period to ensure that the work was done properly, but after that, CSX should assume responsibility.

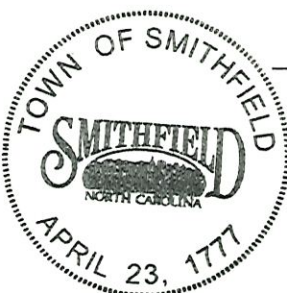
Councilman Barbour questioned how the new drainage pipe on Cedar Drive performed during the recent rain event. The Town Manager responded the new repairs handled all the water and flooding was not reported.

**Adjourn**

Being no further business, Councilman Stevens made a motion, seconded by Councilman Rabil to adjourn the meeting. Unanimously approved. The meeting adjourned at approximately 8:16 pm.

ATTEST:

  
Shannan L. Parrish, Town Clerk



  
M. Andy Moore, Mayor