

The Smithfield Town Council met in regular session on Tuesday, April 5, 2022 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore, presided.

Councilmen Present:

John A. Dunn, Mayor Pro-Tem
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
Michael Brown, Fire Chief
Ted Credle, Public Utilities Director
Lawrence Davis, Public Works Director
Gary Johnson, Parks & Rec Director
Tim Kerigan, Human Resources/PIO
Shannan Parrish, Town Clerk
R. Keith Powell, Chief of Police
Greg Siler, Finance Director
Stephen Wensman, Planning Director

Also Present

Bob Spence, Town Attorney

Administrative Staff Absent

CALL TO ORDER

Mayor Moore called the meeting to order at 7:01 pm.

INVOCATION

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

APPROVAL OF AGENDA:

Councilman Barbour asked that Consent Agenda Items 5 and 6 be moved to the Business Items.

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

Move the following items from the Consent Agenda to the Business Items:

5. Consideration and request for approval to adopt Resolution 695 (04-2022) accepting public dedication of public lands or facilities for streets, parks, and public utility lines for the Twin Creeks Phase 2

6. Consideration and request for approval to adopt Resolution No. 696 (05-2022) accepting Town Maintenance of Croatan Court and Sunfish Street in East River Phase 1 & 2.

Unanimously approved.

PRESENTATIONS:

1. Proclamation – Designating April 18, 2022 as Electrical Lineman Appreciation Day in the Town of Smithfield

Mayor Moore presented the following proclamation to Electric Lineman Blake Faircloth

TOWN OF SMITHFIELD
PROCLAMATION
ELECTRICAL LINEMEN APPRECIATION DAY
APRIL 18, 2022

Whereas, the Town of Smithfield honors the profession of linemen, as this profession is a selfless service, steeped in personal, family and professional tradition; and

Whereas, electrical linemen are often first responders during storms and other catastrophic events, working to repair broken lines to make the scene safe for the citizens of the Town of Smithfield; as well as, other public safety workers; and

Whereas, electrical linemen work on the Town of Smithfield power lines 24 hours a day, 365 days a year, to keep the electricity flowing; and

Whereas, due to the danger of their work with thousands of volts of electricity high atop power lines, these linemen put their lives at risk every day for the citizens of the Town of Smithfield with little recognition from the community regarding the danger of their work; and

Whereas, the U.S. Senate in April of 2013 first recognized the efforts of electrical linemen in keeping the power on and protecting public safety, and has designated by resolution the annual celebration of a National Linemen Appreciation Day.

Now, Therefore, I, M. Andy Moore, Mayor of the Town of Smithfield along with the members of the Town Council, do hereby proclaim April 18, 2022 as Electrical Linemen Appreciation Day and we call upon the citizens of the Town of Smithfield to recognize and appreciate the hard work, innovation and dedication that these public servants make every day to our health, safety, comfort, and quality of life.

2. **Acceptance of Acceptance of the 2021 American Public Power Association (APPA) Safety Award of Excellence**

Public Utilities Director Ted Credle informed the Town Council that the Electric Department had received the 2021 American Public Power Association Safety of Excellence Award. He explained that for the past 61 years, the American Public Power Association (APPA) annually awarded Safety Awards to recognize public power utilities that exemplify the highest standards of safe operating practices. Safety programs ensure that electric utility employees are informed and trained on safe work procedures. The utilities receiving this award have proven that protecting the safety of their employees is a top priority.

334 utilities from across the country entered the annual Safety Awards. Entrants were placed in categories according to their number of worker-hours and ranked based on the most incident-free records during 2021. The incidence rate, used to judge entries, is based on the number of work-related reportable injuries or illnesses and the number of worker-hours during 2021, as defined by the Occupational Safety and Health Administration (OSHA).

The Town of Smithfield was awarded First Place in Group A (Group A is communities with less than 15,000 worker-hours of exposure).

Mayor Moore presented the award to Electric Lineman Blake Faircloth.

3. **New Website Presentation**

Communications and Marketing Specialist Brian Eaves presented the new Town website to the Council.

PUBLIC HEARING:

1. **Conditional Zoning Approval – Foster Commons (CZ-22-01)**: The applicant was requesting conditional zoning approval for the construction of a 50-unit apartment building on a 5.46-acre tract of land located within the B-3 (Business) zoning district. The property considered for approval is located on the south side of the intersection South Brightleaf Boulevard and East Holt Street and further identified as Johnston County Tax ID# 15041020A

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

Planning Director Stephen Wensman explained that Woda Cooper Development Inc. was requesting a rezoning to B-3 Conditional Zone from the B-3 zoning district with a master plan for Foster Commons, a 50-unit senior (55+ restricted) multi-family apartment on 5.46 acres.

EXISTING CONDITIONS/ENVIRONMENTAL:

The property considered for approval is vacant with road frontage on S. Brightleaf Boulevard and the CSX Railroad to the rear of the property. There is a deep ditch along the southwest edge of the property. There are no wetlands or floodplain on the property.

MASTER PLAN/ANALYSIS:

Multi-family residential is a special use with supplemental standards in the B-3 Zoning District according to Article 9, Table 6.6 of the Unified Development Ordinance. The alternative is a conditional rezoning to B3-CZ with a master plan.

Multi-Family Building.

The 3-story, 50-unit, 55+ age restricted apartment building will be comprised of 18-660 sq. ft. 1-Bedroom units, and 32-900 sq. ft. 2- Bedroom units. There will be an elevator near the center of the building and stairways at the ends of the shared hallways.

The building materials will consist of brick, fiber cement lap and board and batten siding with decorative trim. The building will be in compliance with the appearance requirements of UDO Section 7.34.1.4.

Building amenities include a management/leasing office, multipurpose space, laundry facility, fitness center and computer room as well as some indoor sitting areas on each floor.

All units will have central, electric heat and air conditioning, washer/dryer closets with connections, LVT flooring, blinds, and will have a 16-sf dedicated storage closet (located on the floor). Each unit

will have pre-wired connections for cable, telephone and internet. All the kitchens will have Energy Star appliances. Each unit will have an emergency pull chord in the bedroom and bathroom.

Storage per unit. The supplemental standards for multi-family requires a minimum of 24 sq. ft. of storage space per unit. The development proposes 16 sq. ft. of storage per unit. Given the project is for restricted to 55+ residents, the lesser amount of storage may be appropriate.

Setbacks. The building is located over 200 feet back from Brightleaf Boulevard and exceeds all setbacks of the B-3 zoning district.

Building Heights. A 3-story, 43 feet tall, building with a 5:12 roof slope is proposed This is 3 feet taller than allowed in the B-3 zoning district. Building heights are allowed to exceed 40 feet with a special use permit or as approved by conditional zoning.

Density. The project would have an overall density of 9.15 dwelling units per acre (d. u. a.). The UDO allows up to 9.68 d.u.a.

Site Access & Road. The primary access to the development will be off of East Holt Street. East Holt is currently a closed public right-of-way. The developer will construct approximately 300 lineal feet of road in the right-of-way that will match the street width found across S. Brightleaf Blvd with curb and gutter. The site will have two driveways off of Holt with no direct access onto Brightleaf Boulevard. The new street will require a cul-de-sac bulb at its terminus.

A driveway apron should be provided at the end of the E. Holt Street cul-de-sac for the driveway to the business at 711 E Rose Street.

Sidewalks. Sidewalks will be constructed along Brightleaf Boulevard and on the south side of East Holt Street that will connect to the front door of the apartment building.

Parking. 83 parking spaces are proposed as required. Eight spaces will be ADA accessible and van accessible. The parking lot will be set back over 100 feet from Brightleaf Boulevard right-of-way.

Site Amenities. Outside amenities will include a gazebo, a covered patio with seating and some additional outdoor sitting areas connected by sidewalks. Senior developments are exempt from the recreation requirements in Article 7.35.1.5, however there is a large open space area in the front and back of the building that could be further developed and used by residents to enjoy for walking, sitting or other passive or active recreation activities.

Landscaping and Buffering. No landscape or bufferyard plan has been submitted, however the master plan shows general compliance with streetyard and bufferyard and parking lot landscape requirements. Foundation plantings will also be required. A landscape plan meeting UDO requirements will be required with construction plans. Additional street and bufferyard plantings are recommended beyond the minimum requirements.

Utilities. The project will be served by Town utilities. Currently, there is no capacity in the sewerlines needed to serve this project. This situation will be remedied with the County's sewer projects expected to be completed by the first quarter of 2025. Construction plans for this project cannot be approved until the sewer is available.

Stormwater Management. The site drains toward the railroad tracks where the developer is proposing to locate the required Stormwater Control Measure (SCM). A stormwater management plan will be required with the construction plans. An operations and maintenance agreement will be required for the long-term operation and maintenance of the SCM.

Trash and Recycling. A dumpster pad and enclosure has been shown on the southwest corner of the building. This facility should be designed to accommodate trash and recycling as required in UDO Section 7.35.1.4.6.

Signage. A location for a monument site identification sign is shown near the corner of S. Brightleaf Blvd. and Holt St. All signs for the project require a separate sign permit from the Planning Department.

Property Management. Foster Commons we would have a local Property Manager and Service Technician.

Site Lighting and Security. The parking area will be well lit providing a secure access to the building, with attention given to prevent any light pollution to adjacent property owners. The building itself will be controlled via a locked door with a FOB remote control system and call in to each unit to allow residents remote access to their guests.

A lighting plan will be required with construction plans meeting UDO requirements.

CONDITIONAL ZONING:

The developer is seeking deviations from the UDO as part of the rezoning. The purpose of conditional zoning is to provide flexibility from conventional zoning and to allow creative projects to occur through a negotiated (give and take) approach to achieve the desired project that both the developer and town mutually can be satisfied with. The applicant is seeking approval with the following deviation from the

UDO Requirements.

UDO Standard	Proposed	
Storage per unit	24 sq. ft.	16 sq. ft.
Building Height	40 feet	43 feet

CONSISTENCY STATEMENT (Staff Opinion):

With the approval of the rezoning, the Town Council is required to adopt a statement describing whether the action is consistent with the adopted comprehensive plan and other applicable adopted plans and that the action is reasonable and in the public interest. Planning Staff considers the action to be consistent and reasonable:

- Consistency with the Comprehensive Growth Management Plan – the use is consistent with the comprehensive plan.
- Consistency with the Unified Development Code – the property will be developed in conformance with the UDO conditional zoning provisions.
- Compatibility with Surrounding Land Uses - The property considered for rezoning will be compatible with the surrounding land uses. Multi-family is a permitted use in the B-3 zoning district and the use will not detrimentally impact adjacent properties and will improve property values.

Planning Staff recommends approval of CZ-22-01 with the following conditions:

1. That the future preliminary plat and development plans for the subdivision be in accordance with the approved Master Plan, R-8 Zoning District, and UDO regulations with the exception that the Storage Per Unit no less than 16 sq. ft. and the building height not exceed 43 feet.
2. That the parking lot entrances be constructed in accordance with the town's standard driveway detail.
3. That a driveway apron be provided at the end of the public street to accommodate the gravel driveway for 711 E. Rose St.
4. That a landscaping and lighting plan be submitted with the construction plans in accordance with the UDO.
5. This facility should be designed to accommodate trash and recycling as required in UDO Section 7.35.1.4.6.
6. That a cul-de-sac bulb be constructed at the terminus to East Holt Street
7. That site plan approval be contingent upon their being adequate sewer capacity for the project.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the April 5, 2022 agenda packet.

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

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

Brian Rabil, co-owner of Capital Auto, expressed his concerns about this proposal. He stated that as an adjacent property owner, he and his partner were concerned about a residential development being constructed next to commercial property. He was also concerned about the negative impact this would development would have on his property.

Danny Blackburn, senior Vice President of Woda Cooper Company, explained that his company provided affordable housing projects. He stated the company was a fully integrated company meaning the company does the development, the construction, and the management. They come into a community, and have the intention of staying for a very long time. The company has over 400 different properties that it has developed. Out of those 400 different properties, they have only ever sold one. Over the past six years, Woda Cooper has been awarded two tax credit developments each year by North Carolina Housing Finance Agency, and this application will be put in this year and this year. This particular site is the top scoring site in the eastern region of North Carolina as for North Carolina because of its walkability to amenities. This project would be a \$10 million project.

Councilman Rabil questioned how this project would have walkability to amenities when there were no sidewalks on Brightleaf Boulevard. Mr. Blackburn responded that sidewalks would be constructed in front of this facility and it would connect to any sidewalks the Town constructed.

Councilman Scott questioned how the company would manage the age of the residents being 55 or older. Mr. Blackburn responded the management team was experienced in the application process of its potential tenants.

Councilman Scott further questioned if the property would have on-site management. Mr. Blackburn responded there would be on-site management of the property.

Councilman Scott questioned why the developer would build a three-story complex for a 55 and older community. Mr. Blackburn responded this was a traditional 55 and older community development. There would be an elevator centrally located in the building. Councilman Scott stated that in the event of a fire, an elevator would not help the tenants get out of the building safely.

Councilman Scott further questioned how the company would maintain the development for the future. Mr. Blackburn responded that the company had a large capital reserve for improvements and maintenance.

Councilman Barbour questioned if all tenants had to be 55 or older to live at this complex. He further questioned if children would be residing in these apartments. Mr. Blackburn responded that the applicant must be 55 or older, but everyone residing in the apartment does not have to be 55 or older. He further explained if someone 55 or older has legal custody of a minor child, those children are able to live in the apartment. There will be no playgrounds for this development.

Councilman Barbour questioned why the Town waived the recreational fee for this type of community. Planning Director Stephen Wensman responded the UDO specifically addresses senior facilities not needing recreational facilities. He further stated the developer was not trying to attract young children and families with young children.

David Cooper of Woda Cooper explained that out of 6000 units, there are not more than 5 children. The buildings are not designed to attract families. He further explained that under the Fair Housing Act, you cannot discriminate against anyone. There are two exceptions: one is a 55 and older community whereby the head of the household must be 55 years old; and the second is one for a 63 and older community. The average tenant age is 70 years old.

Mayor Pro-Tem Dunn questioned the structure of the affordable housing. Mr. Blackburn responded the income levels were defined by HUD on an annual basis. Income levels were based on the area median income. Unit will be rented at 60% of the area median, 50% of area median and 30% of the area median. A couple at the 30% cannot earn more than \$22,900 and a couple at the 60% cannot earn more than \$45,000. That number changes based on the number of people living in the apartment. This brings a diversity of income levels to the complex.

Mayor Pro-Tem Dunn further questioned if the tenants would be eligible for other subsidies. Mr. Blackburn responded the company would do a criminal background and credit check. He further stated this was not Section-8 type housing.

Councilman Rabil questioned if the tenants had to do a recertification every year. Mr. Blackburn responded that a recertification is done every year. The leases also state the company has the right to inspect the apartment on a monthly basis.

Councilman Rabil further questioned if there were any other properties located near major thoroughfares. Mr. Blackburn responded there were developments in downtown Atlanta and Baltimore.

Mayor Pro-Tem Dunn questioned the cul-de-sac passed the second entrance Mr. Wensman responded the cul-de-sac would tie in with the access road. Mayor Pro-Tem Dunn further questioned the size of the cul-de-sac. Mr. Wensman responded it would be 45 feet in diameter which is a standard size.

Councilman Scott questioned if the developer had considered any other sites. Mr. Blackburn responded other sites were considered, but this was the preferred location.

Mayor Moore questioned if the amount of proposed parking was adequate. Mr. Wensman responded that it does meet the parking requirement. Mayor Moore further questioned if there was direct access onto Brightleaf Boulevard. Mr. Wensman responded there was no direct access to Brightleaf Boulevard. All traffic would have to access Holt Street.

Councilman Scott questioned if there was any discussion about how this proposal could impact the adjacent business property's value. Mr. Wensman responded this was a \$10 million project. It would positively impact the adjacent property values. Councilman Scott further questioned if there were any potential issues with flooding concerns. Mr. Wensman responded that the Town Engineer found no issues with flooding. The proposed stormwater ponds will help with any potential flooding.

Councilman Barbour expressed his concerns about this project being located in commercial business district. He stated he did not feel this project was in the best interest of the Town. Mr. Wensman responded that while this property is guided for business, the UDO does allow for multifamily residential in a business district with a special use permit. Mr. Wensman requested the applicant go through the Conditional Rezoning process to give the Council greater freedom to discuss and understand the project. The Special Use process requires the Council to have real reasons to deny the project that are defensible in court.

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

Councilman Wood made a motion, seconded by Councilman Rabil, to deny the zoning map amendment, CZ-22-01. Councilman Wood, Councilman Rabil, Mayor Pro-Tem Dunn and Councilman Barbour voted in favor of the motion. Councilman Lee, Councilman Scott and Councilman Stevens voted against the motion. Motion passed 4 to 3.

CITIZEN'S COMMENTS:

- Lamont Howell acting Warden for Johnston Correctional Institution introduced himself to the Town Council. He informed the Council that since Johnston Correctional was a minimum custody facility,

inmate services could be beneficial to the Town. He stated the facility offers work release program and contract labor; whereby, inmates can be used to do tasks throughout the Town. He stated the Town of Micro has been using these services for several years prior to the Covid-19 pandemic.

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:
 - February 24, 2022 – Special Meeting
 - February 24, 2022 – Closed Session
 - March 1, 2022 – Regular Meeting
 - March 1, 2022 – Closed Session
2. Special Event: Wine Walk – Harbor, Inc. was granted approval to hold a Spring Wine Walk on April 29, 2022 from 5:00 pm until 9:00 pm in Downtown Smithfield. The use of amplified sound was approved. This was approved as an annual event.
3. Special Event: Cycle Fest 1911 – Smithfield Alumni Chapter of Kappa Alpha Psi was granted approval to hold a cycling event on April 30, 2022 from 8:30 am until 2:00 pm at 600 M. Durwood Stephenson Parkway The use of a food truck was approved. This was approved as an annual event.
4. Special Event: Spring Carnival - Inners Shows, Inc was granted approval to hold a Spring Carnival at the Carolina Premium Outlets May 12th through the 29th. The use of amplified sound was approved.
5. Approval was granted to adopt a Capital Project Ordinance for three State Capital and Infrastructure Fund (SCIF) Grants

FUND 21
NORTH CAROLINA STATE CAPITAL AND INFRASTRUCTURE FUND DIRECTED GRANTS
(SCIF)
CAPITAL PROJECT ORDINANCE
TOWN OF SMITHFIELD

BE IT ORDAINED by the Governing Board of the Town of Smithfield, North Carolina, that, pursuant to section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The projects authorized are the CSX Culvert Improvement, the Amphitheatre Restoration and the Splash Pad Improvements/Parking Expansion. These projects are financed by State Capital and Infrastructure Fund Directed Grants (SCIF) and General Fund appropriations if needed and approved by Town Council.

SECTION 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the grant documents, and the budget contained herein.

SECTION 3. The following amounts are appropriated for the project:

• CSX Culvert	21-40-5900-5700-7400	\$950,000
• Amphitheatre	21-60-6200-5700-7400	\$989,500
• Splash Pad/Parking	21-60-6200-5700-7401	<u>\$536,330</u>
		<u>\$2,475,830</u>

SECTION 4. The following revenues are anticipated to be available to complete this project:

• SCIF Grant - CSX Culvert	21-40-3300-3307-5900	\$950,000
• SCIF Grant – Amphitheatre	21-60-3300-3307-6200	\$989,500
• SCIF Grant - Splash Pad/Parking	21-60-3300-3307-6201	<u>\$536,330</u>
		<u>\$2,475,830</u>

SECTION 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient, specific detailed accounting records to satisfy the requirements of the state grants

SECTION 6. The Finance Officer is directed to report, on a monthly basis, on the financial status of each project element in Section 3 and on the total grant revenues received or claimed.

SECTION 7. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board

SECTION 8. Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for direction in carrying out this project

6. Approval was granted to adopt the following budget amendments:

<u>GENERAL FUND</u>	<u>BEFORE</u>	<u>ADJ.</u>	<u>AFTER</u>
1. Expenditures			
10-00-9990-5300-0000 GF			\$ 253,524
Contingency	\$ 273,524	\$ (20,000)	
10-76-5800-5970-9100 Transfer to			20,000
CPF	<u>-</u>	<u>20,000</u>	<u>20,000</u>
	<u>\$ 273,524</u>	<u>\$ -</u>	<u>\$ 273,524</u>

To fund increase cost of Sanitation 2nd Knuckle Boom Truck and Registration as approved at the January 4, 2022 Council meeting

2. Revenue			
10-10-3900-3900-0000 Fund			\$ (80,000)
Balance Appropriation	<u>\$ -</u>	<u>\$ (80,000)</u>	<u>\$ (80,000)</u>
Expenditures			
10-76-5800-5970-9110 Transfer to			\$ -
GF Capital Reserve	<u>\$ 80,000</u>	<u>\$ (80,000)</u>	<u>\$ -</u>

To correct Transfer To Capital Reserve for Knuckle Boom as it was purchased in FY21

3. Expenditures			
10-40-5900-5300-3310 Stormwater -			\$ 60,900
Drainage	\$ 35,500	\$ 25,400	
10-00-9990-5300-0000 GF			228,124
Contingency	<u>253,524</u>	<u>(25,400)</u>	<u>228,124</u>
	<u>\$ 289,024</u>	<u>\$ -</u>	<u>\$ 289,024</u>

To fund storm drainage pipes at 5 Sherwood Court (Using 25K of Drainage funds plus 25.4K of contingency)

4. Expenditures			
10-40-5900-5300-4501 Stormwater -			\$ 8,700
Contract Services	\$ -	\$ 8,700	
10-00-9990-5300-0000 GF			219,424
Contingency	<u>228,124</u>	<u>(8,700)</u>	<u>219,424</u>
	<u>\$ 228,124</u>	<u>\$ -</u>	<u>\$ 228,124</u>

To fund hiring of McCormick-Taylor to prepare two Land and Water Conservation Fund Grant applications

5. Revenue			
10-10-3300-3315-0100 Grant	\$ 160,550	\$ (160,550)	\$ -
10-20-3300-3315-0100 Grant -			160,550
GHSP Traffic	<u>-</u>	<u>160,550</u>	<u>160,550</u>
	<u>\$ 160,550</u>	<u>\$ -</u>	<u>\$ 160,550</u>

To move GHSP Traffic Grant budget to proper line

6. Expenditures			
10-20-5300-5300-4501 Fire -			\$ 16,520
Contract Services	\$ 1,000	\$ 15,520	
10-00-9990-5300-0000 General			203,904
Fund Contingency	<u>219,424</u>	<u>(15,520)</u>	<u>203,904</u>
	<u>\$ 220,424</u>	<u>\$ -</u>	<u>\$ 220,424</u>

To fund the removal of gas tanks and pumps at Fire Station One as approved at the January 4, 2022 Council meeting

7. Expenditures

10-61-4110-5300-5711 Public Library	\$ 270,000	\$ 22,930	\$ 292,930
10-00-9990-5300-0000 General Fund Contingency	<u>203,862</u>	<u>(22,930)</u>	<u>180,932</u>
	<u>\$ 473,862</u>	<u>\$ -</u>	<u>\$ 473,862</u>

To fund Town's share of new HVAC Control System for the Library as approved at the December 7, 2021

Council meeting

ELECTRIC FUND

8. Expenditures

31-76-7230-5970-9110 Electric - Transfer Cap. Reserve Fund	\$ 150,000	\$ (150,000)	\$ -
31-00-9990-5300-0000 Electric - Contingency	\$ 283,679	\$ (13,500)	
31-72-7230-5700-7400 Electric - Capital Outlay	<u>30,000</u>	<u>163,500</u>	<u>193,500</u>
	<u>463,679</u>	<u>-</u>	<u>193,500</u>

To transfer capital reserve for Bucket Truck to capital outlay and fund increased cost

9. Revenue

31-72-3550-3520-0000 Electric - Misc.	<u>\$ 4,000</u>	<u>\$ 12,060</u>	<u>\$ 16,060</u>
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Expenditures

31-72-7230-5700-7401 Electric - East River Electric Infrastructure	<u>\$ 231,820</u>	<u>\$ 12,060</u>	<u>\$ 243,880</u>
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To fund Phase 3 of East River Subdivision Street Lights Upgrade - funded by developer

ARPA FUND

10. Revenue

20-76-0000-5970-9100 ARP - Transfer to Other Cap. Proj.	<u>\$ 4,138,286</u>	<u>\$ (169,952)</u>	<u>\$ 3,968,334</u>
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Expenditures

20-40-5900-5300-3310 Storm Drainage - Cedar Drive	<u>\$ -</u>	<u>\$ 169,952</u>	<u>\$ 169,952</u>
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To transfer ARP funds for storm drainage on Cedar Drive as approved at the September 7, 2021 Council Meeting

General Fund Capital Projects Fund

11. Revenue

46-75-3870-3870-0310 Transfer GF - Knuckle Boom Tk	<u>\$ -</u>	<u>\$ 20,000</u>	<u>\$ 20,000</u>
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Expenditures

46-40-5800-5700-7405 Knuckle Boom Truck	<u>\$ 160,000</u>	<u>\$ 20,000</u>	<u>\$ 180,000</u>
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To record transfer from GF for 2nd Sanitation Knuckle Boom Truck as approved at the January 4, 2022 Council Meeting. Truck total cost including registration is approx. \$177,598

7. Approval was granted to purchase pool grates in the amount of \$11,991.40 from Sport Edge and installation of the pool grates in the amount of \$4,315.50 from Thomas Pool Care for the perimeter of the competition and splash pools at the Aquatics Center. Since the Town shares the cost with Johnston County Public Schools, the Town's share would be \$7,903.45. Bids received are as follows:

Pool grates:

- Sport Edge \$11,991.40
- ACO, Inc. \$12,254.00
- Noland Company \$22,604.35

Installation:

- Thomas Pool Care \$4,315.50

8. Approval was granted to enter into a contract with Vision, NC in the amount not to exceed \$22,400 for cleaning and videoing services of sanitary sewer lines in West Smithfield. Bids received are as follows:

• Vision, NC	\$22,400.00
• Hydrostructures	\$23,900.00
• Hydromax, USA	\$26,910.00

9. Approval was granted to enter into a contract with Grid One Solutions, LLC for meter reading services.

10. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Customer Service Rep.	PU – Electric/CS	31-72-7230-5100-0200	\$16.25/hr. (\$33,800.00/yr.)
Firefighter I/II (2 positions)	Fire	10-60-6220-5100-0200	\$17.10/hr. (\$37,346.40/yr.)
Police Officer I	Police	10-20-5100-5100-0200	\$18.97/hr. (\$42,416.92/yr.)
P/T Athletics Staff (2 positions)	P&R – Recreation	10-60-6200-5300-0210	\$9.00/hr.
P/T Collections Assistant	PU – Electric/CS	31-72-7230-5100-0200	\$8.00/hr.
P/T Fitness Instructor	P&R – Aquatics	10-60-6220-5100-0230	\$15.00/hr.
P/T SRAC Staff - General	P&R – Aquatics	10-60-6220-5100-0220	\$8.00/hr.
P/T Lifeguard	P&R – Aquatics	10-60-6220-5100-0210	\$8.00/hr.
P/T Pool Instructor (2 positions)	P&R – Aquatics	10-60-6220-5100-0230	\$10.00/hr.
Equipment Operator(2 positions)	PW – Sanitation	10-40-5800-5100-0200	\$15.48/hr. (\$32,198.40/yr.)
Utility Line Mechanic	PU – Water/Sewer	30-71-7220-5100-0200	\$16.25/hr. (\$33,800.00/yr.)

Current Vacancies

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Electric Line Technician	PU – Electric	31-72-7230-5100-0200
IT Specialist	General Government	Shared
Police Officer I/II – Patrol (3 positions)	Police	10-20-5100-5100-0200
Utility Line Mechanic	PU – Water/Sewer	30-71-7220-5100-0200

Business Items:

1. Consideration and request for approval to award a bid in the amount of \$31,349.00 to James Paul Edwards for repairs to the Fire Department's parking lot

Fire Chief Mike Brown addressed the Council on a request to award a bid to JP Edwards for repairs to the parking lot at Fire Station One. He explained that on February 10th, two underground fuel tanks were removed from the back parking lot. For the fiscal year 2023, he was going to request this repair be placed in the budget, but with rising fuel cost, he believed now was a good time to move forward with the repairs. He further explained there were funds still remaining in his Capital line item, but approximately \$6,400 would be needed from the General Fund contingency line for this repair.

Councilman Scott stated he was concerned that the Police Department Expansion Project would change the dynamics of the parking behind the Police and Fire Departments. He questioned if there was any discussion about repairing the alleyway behind PNC back between 4th and 5th Streets. Town Manager Michael Scott responded that Public Works Director Lawrence Davis has had someone evaluate the area and provide staff with how it can be repaired.

Councilman Barbour made a motion, seconded by Councilman Wood, to award a bid in the amount of \$31,349.00 to James Paul Edwards for repairs to the Fire Department's parking lot. Unanimously approved.

2. Consideration and request for approval to designate Mark III as Broker of Record for employee primary and optional insurance benefits

Human Resources Director Tim Kerigan addressed the Council on a request to designate Mark III as the broker of record for employee primary and optional insurance benefits. He stated that one of the ways Human Resources staff could better serve the Town employees was by having one broker for all insurance benefits offered the employees. Mr. Kerigan explained proposal were requested and three were received. One company could only provide elective insurances and the other two companies could provide all insurance services. Of the two companies that could provide all insurance services, one company could not commit to having someone present during the open enrollment meetings. In addition to the open enrollment meetings, staff feels it would be beneficial to also offer online insurance renewal services. Mr. Kerigan recommended that Mark III be designated as the Town's broker of record for all employee insurance services.

Tracy McCarty from Mark III provided the Council with a presentation outlining information about the company, the services they provided and the local governments they serve.

Councilman Scott made a motion, seconded by Councilman Barbour, to designate Mark III as the Broker of Record for employee primary and optional insurance benefits. Unanimously approved.

3. FY 2022-2023 Budget Discussion

Town Manager Michael Scott informed the Council this item was placed at the end of the agenda so the Council could evaluate if it wanted to set up its first budget workshop so the current meeting could be recessed to a date time certain.

It was the consensus of the Council to discuss this item following the two items that were added to the Business Items.

4. Consideration and request for approval to adopt Resolution 695 (04-2022) accepting public dedication of public lands or facilities for streets, parks, and public utility lines for the Twin Creeks Phase 2

Councilman Barbour stated he had concerns about both of the items. He explained he was concerned about the Town accepting roads/streets when construction was not complete for the entire proposed subdivision. He stated he talked with the Town Manager earlier and it was Councilman Barbour's understanding there was an agreement whereby the developer would repair any damages caused to the road. He stated this was not outlined in the resolution.

Planning Director Stephen Wensman responded that the two items are completely separate. He explained the resolution accepting public dedication for Twin Creeks should be approved at the time of preliminary plat, but Mr. Wensman typically sought approval when he became aware the developer was going to apply for final plat. This procedure was simply dedicating it with the plat to the Town's ownership. This has to be done before final plat. Mr. Wensman further explained that all infrastructure was in place at Twin Creeks.

As for the next item on the agenda, Mr. Wensman explained the Town was only taking over maintenance of previously dedicated right of way on two streets which are not going to be used for construction. He further explained there were two streets that are perpendicular to Buffalo Road. The Town is not taking over those roads because they are access streets to future development. The only two roads the Town would be taking over are the two that run parallel to Buffalo Road and a cul-de-sac. All the development on those two roads have been completed.

Councilman Barbour stated it was his understanding there was an agreement in place that would protect the Town from any damage caused by the developer to any road the Town took ownership of. Town Manager Michael Scott responded there was a one-year warranty on the road. The developer would assume responsibility for any damages in excess of normal wear and tear on the road.

Councilman Barbour stated he just wanted to make sure the Council and staff were doing due its diligence as it related to accepting streets/roads.

Councilman Stevens made a motion, seconded by Councilman Rabil, to adopt Resolution No.694 (03-2021). Unanimously approved.

TOWN OF SMITHFIELD
RESOLUTION NO. 694 (04-2022)
ACCEPTING DEDICATION TO THE PUBLIC OF
RIGHTS-OF-WAY AND EASEMENTS ON SUBDIVISION PLATS

WHEREAS, G.S. 160D-806 authorizes the Town Council to accept by resolution any dedication made to the public of land or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision-regulation jurisdiction; and

WHEREAS, the Smithfield Planning Department has acted to approve the preliminary plat named in this resolution on 5/18/20; and,

WHEREAS, the preliminary plat named in this resolution contain dedication to the public of lands or facilities for streets, parks, public utility lines, or other public purposes; and

WHEREAS, the Smithfield Town Council finds that it is in the best interest of the public health, safety, and general welfare of the citizens of the Town of Smithfield to accept the offered dedication on the plat named in this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Smithfield Town Council, North Carolina:
Section 1. The Town of Smithfield accepts the dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes offered by, shown on, or implied in the following approved subdivision preliminary plat:

Twin Creeks Phase 2

Map Book 05878

Page 0834

Section 2. Acceptance of dedication of lands or facilities shall not place on the City any duty to open, operate, repair, or maintain any street, utility line, or other land or facility except as provided by the ordinances, regulations or specific acts of the Town, or as provided by the laws of the State of North Carolina.

Section 3. Acceptance of the dedications named in this resolution shall be effective upon adoption of this resolution.

5. Consideration and request for approval to adopt Resolution No. 696 (05-2022) accepting Town Maintenance of Croatan Court and Sunfish Street in East River Phase 1 & 2.

Councilman Scott made a motion, seconded by Councilman Stevens, to adopt Resolution No. 696 (05-2022). Unanimously approved.

RESOLUTION NO. 696 (05-2022)
ACCEPTING EAST RIVER PHASES 1 AND 2
SUNFISH STREET AND CROATAN COURT PUBLIC IMPROVEMENTS

WHEREAS, it is a function of the Town of Smithfield to operate and maintain public roads, walks, trails and public water, sewer, and storm drain infrastructure; and

WHEREAS, the Developer has recorded the final plats of East River Phase 1 and East River Phase 2 the subdivisions with the Johnston County Register of Deeds on 3/29/2018 and 12/22/2020 respectively; and

WHEREAS, the developer offered the public roads and public water, sewer, and storm drain infrastructure for dedication with Preliminary Subdivision of East River; and

Whereas, the Town Council accepted the dedication of public roads, walks, trails and public water, sewer, and storm drain infrastructure with Resolution No. 652 (01-2020) and Resolution No. 668 (17- 2020) by; and

WHEREAS, the Developer posted a performance bond to be held by the Town until such time the construction was completed to Town standards; and

WHEREAS, said streets have been constructed and inspected by the Town staff and Engineer and have been found to meet current Town standards; and

WHEREAS, the Developer has requested the Town to accept the public roads, walks, trails and public water, sewer, and storm drain infrastructure for Croatan Court and Sunfish Street in East River Phases 1 and 2; and

WHEREAS, The Town Council finds that it is in the best interest of the public to accept said streets and public water, sewer, and storm drain infrastructure.

NOW, THEREFORE, BE IT RESOLVED by the TOWN OF SMITHFIELD TOWN COUNCIL on this the 5th day of April, 2022, the Town of Smithfield accepts the public roads, walks, trails and public water, sewer, and storm drain infrastructure within Croatan Court and Sunfish Street as constructed and as shown in the East River Phase 1 and Phase 2 Final Plats recorded at the Johnston County Register of Deeds.

6. FY 2022-2023 Budget Discussion- Continued

Town Manager Michael Scott informed the Council they had been provided with a budget draft; as well as, a few additional items. This was strictly a draft and not a proposed budget by the Manager. The draft was a starting point for the Council to engage in discussions with staff and citizens in an effort to create a desirable budget for fiscal year 2023. In order for the Council to recess this meeting, this item was placed on the agenda. Staff requested the Council consider recessing this meeting to a date time certain to meet for the first budget work session to be held in the Council Chambers. The Town Manager informed the Council that a meeting had been scheduled for Tuesday, April 26th at 6:30 pm to hear funding requests from nonprofit organizations.

It was the consensus of the Council to hold its first budget meeting on Monday, April 25, 2022 at 6:30 pm in the Council Chambers.

Councilmembers Comments: None

Town Manager's Report:

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

- The Town Manager congratulated the Police Department for being reaccredited. He explained the Police Chief and staff went to Orlando, FL to defend its Accreditation to the CALEA Executive Board. Following the meeting the Executive Board voted unanimously to reaccredit the Smithfield Police Department.
- National Night Out this year is nationally scheduled for August 2, 2022. The event will be held outdoors at JCC. This is a regularly scheduled council meeting night. Previously the Council rescheduled their meeting so Council Members could attend and support the event.

- One of the grants received from the state is the upsizing or replacement of the drainage pipe under CSX Railway in the 1500 block of South Brightleaf Boulevard. Staff has advertised Request for Proposals which are due on April 21st. Staff will open the proposals and hopefully choose an engineering firm.

Closed Session: Pursuant to NCGS 143-318.11 (a) (3)

Councilman Barbour made a motion, seconded by Councilman Scott, to enter into Close Session pursuant to the aforementioned statute. Unanimously approved at 8:58 pm.

Reconvene in Open Session

Councilman Scott made a motion, seconded by Councilman Barbour, to reconvene in open session. Unanimously approved at 9:27 pm.

Recess

Being no further business, Councilman Barbour made a motion, seconded by Councilman Scott, to recess the meeting until April 25, 2022 at 6:30. Unanimously approved. The meeting recessed at approximately 9:27 pm.

ATTEST:

Shannan L. Parrish, Town Clerk




M. Andy Moore, Mayor