

The Smithfield Town Council met in regular session on Tuesday, September 6, 2022 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
Travis Scott, District 3
David Barbour, District 4
Stephen Rabil, At-Large
Roger Wood, At-Large

Councilmen Absent

Sloan Stevens, District 2

Administrative Staff Present

Michael Scott, Town Manager
Michael Brown, Fire Chief
Ted Credle, Public Utilities Director
Lawrence Davis, Public Works Director Dr.
Gary Johnson, Parks & Rec Director
Tim Kerigan, Human Resources/PIO
Eric McDowell, IT Director
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 7:00 pm.

INVOCATION

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

APPROVAL OF AGENDA:

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

- Remove from Presentations: Item 3: Administering Oath of Office to new Police Officer Joshua Lynch
- At the request of the applicant, remove the following item from the Public Hearings until the October 2022 meeting:
 1. Economic Development Incentive Grant – Project Neyer: In accordance with NCGS 158-7.1(a), The Town Council has called for a public hearing to consider an economic development incentive grant and adoption of Resolution No. 706 (15-2022)
- Add to the Consent Agenda: Item 11: Special Event: Buds Foundation Car & Bike Show: Buds Foundation is requesting approval to hold a bike and car show on September 10, 2022 from 10 am until 3:00 pm at 1043 Outlet Center Drive.
- Move Business Item 3: Advisory Board Appointments to the Consent Agenda
- Move Business Item 4: Discussion concerning future sewer capacity to Business Item 1
- Add a Closed Session pursuant to NCGS 143-318.11 (a) (5)

PRESENTATIONS:

1. Proclamation: Honoring Stephen Upton's Years of Service on the Planning Board

Mayor Moore presented the following proclamation to Stephen Upton and thanked him for her service to the Town of Smithfield

**PROCLAMATION
In Honor of Stephen Upton's
Dedicated Service to the
Town of Smithfield's Planning Board**

WHEREAS, Stephen Upton, a lifelong resident of the Town of Smithfield, dedicated his time and attention by serving on the Planning Board for fifteen years; and

WHEREAS, in addition to serving on the Planning Board, Stephen Upton also spent countless hours serving on the Unified Development Ordinance subcommittee and continues to serve on the Board of Adjustment; and

WHEREAS, during his tenure, Stephen Upton has served as Chairman and Vice Chairman of the Planning Board; and

WHEREAS, the citizens are fortunate to have had a person of such experience dedicate so many years of service to the Town of Smithfield's growth and prosperity; and

WHEREAS, The Town Council deeply appreciates the important contributions Stephen Upton has made to the Town of Smithfield for its citizens.

NOW, THEREFORE, I, M. Andy Moore, Mayor of the Town of Smithfield along with the members of the Town Council, express our sincere appreciation to Stephen Upton for his distinguished service to the Town of Smithfield.

2. **Proclamation: Declaring September 17-23, 2022 as Constitution Week in the Town of Smithfield**

Mayor Moore presented the following Proclamation to the Smith-Bryan Chapter of the Daughters of the American Revolution.

Proclamation
Constitution Week
September 17 – 23, 2022
In the Town of Smithfield, North Carolina

Whereas, September 17, 2022 marks the two hundred and thirty-fifth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

Whereas, it is fitting and proper to officially recognize this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

Whereas, Public Law 915 guarantees the issuing of a Proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

NOW, THEREFORE, I, M. Andy Moore, Mayor of the Town of Smithfield do hereby proclaim September 17 through 23, 2022 to be

CONSTITUTION WEEK

in the Town of Smithfield and ask our citizens to reaffirm the ideals the framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

3. **Appearance Commission's Annual Report**

Chairperson Stuart Lee presented the Appearance Commission's Annual Report to the Town Council.

PUBLIC HEARING:

1. **Street Closing and adoption of Resolution No. 707 (16-2022):** In accordance with NCGS 160A-299, a public hearing must be held to permanently close Circle Drive from South Brightleaf Boulevard to South Seventh Street

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

Planning Director Stephen Wensman explained the applicant, Walter Sanders Funeral and Cremation Services was requesting the permanent closure of Circle Drive. Circle Drive is a 20' wide nonconforming paved street located between S. Brightleaf Boulevard and S. Seventh Street. Walter Sanders Funeral and Cremation Services LLC owns all the property on both sides of Circle Drive. All properties have street frontage on adjacent streets except one residential property owned by the funeral home. With the recombination plat, the single-family property will have street frontage. The street closure will facilitate future redevelopment of the overall block (none currently proposed).

The Town has existing utilities in the right-of-way and if closed, a 20-foot-wide utility easement will be needed and is shown on the attached plat.

All the abutting property owners have signed the petition.

On August 2, the Council adopted Resolution 705 declaring the intent to close Circle Drive and to hold the public hearing on September 6th.

Mayor Moore asked if there were any questions from Council.

Councilman Barbour questioned if the house owned by applicants would have to have road frontage. Mr. Wensman replied the house would have to have lot frontage.

Mayor Moore asked if there was anyone in attendance who wished to speak on the matter. There was no one in attendance that wished to speak on this matter.

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

Councilman Scott made a motion, seconded by Councilman Barbour, to adopt Resolution No. 707 (16-2022) permanently closing Circle Drive from South Brightleaf Blvd to South Seventh Street. Unanimously approved.

TOWN OF SMITHFIELD
RESOLUTION NO.707 (16-2022)
Street Closing Order

A RESOLUTION ORDERING THE CLOSING OF THE CIRCLE DRIVE LOCATED BETWEEN SOUTH BRIGHTLEAF BOULEVARD AND SOUTH SEVENTH STREET

WHEREAS, on the 2nd day of August, 2022, the Town Council of the Town of Smithfield directed the Town Clerk to publish the Resolution of Intent of the Town Council to consider closing Circle Drive located between South Brightleaf Boulevard and South Seventh Street, in the Johnstonian News newspaper once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in Council Chambers at the Town Hall, 350 E Market Street, Smithfield, NC 27577 on September 6, 2022; and

WHEREAS, the Town Council on the 2nd day of August, 2022, ordered the (Town) Clerk to notify all persons owning property abutting that portion of Circle Drive located between South Brightleaf Boulevard and South Seventh Street, as shown on the county tax records, by registered or certified mail, enclosing with such notification a copy of the Resolution of Intent; and

WHEREAS, the Town Clerk has advised the Town Council that she sent a letter to each of the abutting property owners advising them of the day, time and place of the meeting, enclosing a copy of the Resolution of Intent, and advising the abutting property owners that the question as to closing Circle Drive located between South Brightleaf Boulevard and South Seventh Street, said letters having been sent by registered or certified mail; and

WHEREAS, the Town Clerk has advised the Town Council that adequate notices were posted on the applicable streets as required by G.S. 160A-299; and

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street in the public hearing held on September 6, 2022; and

WHEREAS, it now appears to the satisfaction of the Town Council that the closing of said alleys is not contrary to the public interest, and that no individual owning property, either abutting the street or in the vicinity of the street or in the subdivision in which the street is located, will as a result of the closing be thereby deprived of a reasonable means of ingress and egress to his or her property;

NOW, THEREFORE, closing Circle Drive located between South Brightleaf Boulevard and South Seventh Street are hereby ordered closed, and all right, title, and interest that may be vested in the public to said area for street purposes is hereby released and quitclaimed to the abutting property owners in accordance with the provisions of G.S. 160A-299.

The Mayor and the Town Clerk are hereby authorized to execute quitclaim deeds or other necessary documents in order to evidence vesting of all right, title and interest in those persons owning lots or parcels of land adjacent to the street or alley, such title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed alleys.

The Town Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Johnston County a certified copy of this resolution and order.

Upon motion duly made by Councilmember Scott and duly seconded by Councilmember Barbour, the above resolution was duly adopted by the Town Council at a meeting held on the 6th day of September, 2022 in the Town Hall Council Chambers located at 50 East Market Street, Smithfield, North Carolina.

Upon call for a vote the following Councilmembers voted in the affirmative: Councilman Scott, Councilman Barbour, Mayor Pro-Tem Dunn, Councilman Lee, Councilman Rabil and Councilman Wood

and the following Councilmembers voted in the negative: none

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

- 2. Special Use Permit Request – Home2 Suites (SUP-22-02):** The applicant was requesting a special use permit for the construction of a five-story hotel that exceeds 40 feet in height. The project considered for approval is located on a 2.26-acre tract of land within a B-3 (Business) zoning district. The property is located on Towne Centre Place approximately 850 feet southeast of its intersection with East Market Street and further identified as Johnston County Tax ID# 15L11001H.

Councilman Wood made a motion, seconded by Councilman Barbour, to open the public

Planning Director Stephen Wensman testified that Wintergreen Hospitality was requesting a special use permit to exceed the 40' height limitation in the B-3 Zoning District. He further testified the developer, Wintergreen Hospitality, is proposing a Home2 Suites hotel on the 2.26-acre property located at the end of the Towne Centre Place cul-de-sac. The Hotel will provide required parking, landscaping, and dumpster screening in accordance with the UDO. The applicant is requesting a special use permit to allow the hotel to exceed the 40' height maximum (roughly 70' proposed) in the B-3 District in accordance with UDO Section 8.13.5. The requested building height is typical of other hotels in the area and creates no offsite issues.

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

STAFF'S OPINION ON THE FINDINGS OF FACT

4.9.4.5.1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare. The project will not be detrimental to or endanger the public health, safety or general welfare. ***The additional height is typical for hotels in the B-3 district. The Fire Marshall has reviewed the application and has no concerns. Therefore, staff believes the special use will not be a deterrent to the public, health, safety or welfare.***

4.9.4.5.2. 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. ***The project will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.***

4.9.4.5.3. Adequate utilities, drainage, parking, or necessary facilities have been or are being provided. The development will provide adequate utilities, drainage, parking and necessary facilities. ***The development will have adequate utilities, drainage, parking and necessary facilities.***

4.9.4.5.4. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas. ***The use will not create such nuisances.***

4.9.4.5.5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. Proper ingress and egress will be provided. ***Adequate ingress and egress will be provided as required.***

4.9.4.5.6. That the use will not adversely affect the use or any physical attribute of adjoining or abutting property. ***The use will have no adverse impacts on the abutting or adjoining properties.***

4.9.4.5.7. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located. ***The proposed hotel is adjacent to another hotel and nearby retail and it will be in harmony with the area.***

4.9.4.5.8. The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located. ***The proposed project will be in conformance with the UDO requirements.***

Planning Staff recommends the Town Council approve the Special Use Permit with no conditions based on the finding of fact for special use permits.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the September 6, 2022 agenda packet.

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

Mayor Moore asked the applicant if he/she agreed with the testimony provided by Mr. Wensman and if he had additional testimony to offer. One behalf of the applicant, Rachel Zalinski, testified that she was in agreement with the testimony offered by Mr. Wensman

Mayor Moore 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.

Mayor Pro-Tem Dunn questioned if this building's height would be consistent with the adjacent building. Mr. Wensman responded that both buildings were at least 60' but less than 100' in height.

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 approve SUP-22-02 based on the Finding of Facts and without any conditions. Unanimously approved.

CITIZEN'S COMMENTS:

- Lynn Johnson expressed her concerns about parking enforcement on Market Street. She stated a lot of car park on the sidewalk because Market Street is too narrow for parking and thru traffic. Many have sustained damage to their vehicles because of the traffic on Market Street.

CONSENT AGENDA:

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

1. The following minutes were approved:
 - August 2, 2022 – Regular Meeting
 - August 2, 2022 – Closed Session
2. Special Event: Church Picnic – Saint Paul Episcopal Church was granted approval to close Church Street from Second Street to Front Street on September 11, 2022 from 10:00 am until 3:00 pm.
3. Special Event: Family Days Fall Festival – Inners Shows, Inc was granted approval to hold a carnival September 15-25, 2022 at the Carolina Premium Outlets
4. Special Event: JoCo Praise in the Park – Keanna Howell was granted approval to hold an event on September 17, 2022 from 1:00 pm until 5:00 pm at Smith- Collins Park. The use of amplified sound was also approved.
5. Special Event: Community Outreach Event - Compass Community Church was granted approval to hold a community outreach event on September 17, 2022 from 4:00 pm until 6:00 pm at the Rotary Shelter at Community Park. The use of amplified sound was also approved.
6. Special Event: JoCo Works Career Expo - The Triangle East Economic Development Foundation is requesting approval to hold a career expo October 13-14, 2022 from 8:00 am until 5:00 pm at Johnston Community College. The use of amplified sound was also approved.
7. Promotion: Approval of an internal candidate to be promoted to the position of Water Plant Superintendent
8. Approval to hire the MAPS Group to conduct the Police Chief search and assessment.
9. Approval to bring forth encumbrances from FY 2021-2022 to FY 2022-2023 in the General, Water/Sewer, Electric and JB George Funds

ENCUMBRANCES FROM 2021-2022 TO 2022-2023

GENERAL FUND

		\$
10-61-4110-5300-5710	Non-Departmental - Economic Development	11,899
10-61-4110-5300-5711	Non-Departmental - Public Library (HVAC)	22,930
10-61-4110-5300-5712	Non-Departmental - S.H.A.R.P Reimbursements	39,000
10-10-4200-5700-7400	Finance Department - Capital Outlay (Chairs/Collection Window)	1,500
10-10-4900-5300-4501	Planning - Service Contracts (Engineering Standards Manual & Pedestrian Planning)	15,000
10-10-4900-5700-4502	Planning - Condemnation	48,000
10-60-5500-5300-3440	General Serv. - Appearance Commission	15,863
10-60-5500-5700-7400	General Serv. - Capital Outlay (Replacement Dump Truck)	60,000
10-60-5500-5700-7400	General Serv. - Capital Outlay (Christmas Lights)	5,000
10-30-5600-5300-7300	Streets -Sidewalk & Curb Repair (NCDOT Sidewalk Agreement)	112,406
10-30-5600-5700-7400	Streets -Capital Outlay (I95 Bridge Lighting)	93,000

10-60-6200-5700-7400	Recreation - Capital Outlay (2 Pick-Up Trucks)	<u>65,000</u>
		<u>\$</u>
		<u>489,598</u>

WATER FUND

30-71-7220-5700-7400	Water Dist/Sewer - Capital Outlay (Work Truck)	\$ 35,000
30-76-7220-5970-9101	- Wtr/Sewer Dist. -	
Transfer to WSCPF	Water Plant - Transfer to W/S Cap Proj Fund	17,250
30-71-7220-5300-5710	Water Dist/Sewer Coll. - Economic Development	<u>245,496</u>
		<u>\$</u>
		<u>297,746</u>

Electric FUND

31-72-7230-5300-5710	Electric - Economic Development	<u>\$</u> <u>195,496</u>
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J.B. GEORGE BEAUTIFICATION FUND

40-61-4100-5300-3400	J.B. George Projects	\$ 397
40-61-4100-5300-3410	J.P. George Projects	<u>544</u>
		<u>\$</u>
		<u>941</u>

Attachment B

G/L ACCOUNT	ACCOUNT DESCRIPTION	DEPARTMENT	VENDOR	PO#	AMOUNT
10-20-5100-5300-1700	Equip. Maint. & Repair	Police	Dell Marketing LP	20229074	\$ 6,260.56
10-20-5100-5300-3100	Vehicle Supplies/ Maint.	Police	Mary Jacobs	20229579	\$ 2,900.00
10-20-5100-5300-3300	Supplies/Operations	Police	American Uniforms Sales Inc	20229640	\$ 835.00
10-20-5100-5300-3600	Uniforms	Police	Lawmens Safety Supply Inc	20229612	\$ 732.00
10-20-5100-5300-3600	Uniforms	Police	Lawmens Safety Supply Inc	20229614	\$ 1,008.00
10-20-5100-5300-3600	Uniforms	Police	Lawmens Safety Supply Inc	20229615	\$ 732.00
10-20-5100-5700-7400	Capital Outlay	Police	Performance Chrysler Jeep Dodge	20229457	\$ 134,786.48
10-20-5100-5700-7400	Capital Outlay	Police	Communications International	20229585	\$ 24,237.40
10-20-5300-5300-1700	Equip. Maint. & Repair	Fire Dept	Batteries of NC	20229644	\$ 2,569.20
10-20-5300-5300-3100	Vehicle Supplies/ Maint.	Fire Dept	Dana Safety Supply	20229486	\$ 2,175.00
10-20-5300-5300-3100	Vehicle Supplies/ Maint.	Fire Dept	CW Williams & Co Inc	20229636	\$ 1,480.00
10-20-5300-5300-3300	Supplies/Operations	Fire Dept	Connection Public Sector Solutions	20229407	\$ 1,802.62
10-20-5300-5300-3300	Supplies/Operations	Fire Dept	FCB Visa	20229635	\$ 1,700.97
10-20-5300-5300-3600	Uniforms	Fire Dept	Atlantic Emergency Solutions	20229535	\$ 9,500.00
10-30-5650-5700-7400	Capital Outlay	Public Works	Griffin Garage Doors	20229379	\$ 10,900.00
10-30-5700-5300-3300	Supplies/Operations	Public Works	ST Wooten Corp	20228966	\$ 2,000.00
10-30-5700-5300-3300	Supplies/Operations	Public Works	Blythe Construction	20228968	\$ 2,000.00
10-30-5700-5300-3300	Supplies/Operations	Public Works	Core & Main LP	20228967	\$ 2,802.12
10-30-5700-5300-3310	Drainage	Public Works	Hanson Aggregates Inc	20228964	\$ 1,087.74

10-30-5700-5300-3310	Drainage	Public Works	Argos USA LLC	20228965	\$ 1,823.32
10-30-5700-5700-7310	Patch & Resurface	Public Works	Tripp Brothers	20229658	\$ 194,138.15
10-40-5800-5300-3100	Vehicle Supplies/Maint.	Public Works	Velocity Truck Centers	20229450	\$ 632.49
10-40-5900-5300-3310	Drainage	Public Works	Hanson Aggregates Inc	20229516	\$ 1,501.58
10-40-5900-5700-7400	Capital Outlay	Public Works	Tracer Electronics	20229657	\$ 12,600.00
10-60-5500-5300-3440	Appearance Commission	Parks and Rec	Cutting Time Landscape Mgmt	20229377	\$ 4,900.00
10-60-6200-5300-4501	Service Contracts	Parks and Rec	Maurer Architecture	20229680	\$ 25,000.00
10-60-6200-5700-7400	Capital Outlay	Parks and Rec	McAdams	20229401	\$ 37,035.79
10-60-6220-5300-1301	Generator Fuel/Maint.	Parks and Rec	PowerSecure Inc	20218864-R1	\$ 649.96
10-60-6220-5300-3300	Supplies/Operations	Parks and Rec	Capital Promotions Inc	20229630	\$ 1,200.00
10-60-6220-5700-7400	Capital Outlay	Parks and Rec	Duffield Aquatics	20229662	\$ 3,699.72
					\$ 492,690.10
30-71-7220-5300-3300	Supplies/Operations	Water/Sewer	Core & Main LP	20229572	\$ 5,150.68
30-71-7220-5700-7400	Capital Outlay	Water/Sewer	Core & Main LP	20229440	\$ 47,644.60
					\$ 52,795.28
31-72-7230-5300-3300	Supplies/Operations	Electric	Wesco Receivables Group	20229523	\$ 5,261.00
31-72-7230-5700-7400	Capital Outlay	Electric	Piedmont Truck Center	20229179	\$ 150,000.00
31-72-7230-5700-7400	Capital Outlay	Electric	Versalift Southeast	20229245	\$ 11,276.50
31-72-7230-5700-7401	East River Electric Infrastructure	Electric	Wesco Receivables Group	20229273	\$ 27,569.74
					\$ 194,107.24

Total \$ 739,592.62

Attachment C

BUDGET AMENDMENTS
Sep-22

1. Revenue

10-00-3900-3900-0000	Fund Balance Appropriation	\$39,875.00	\$982,288.10	\$1,022,163.1
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Expenditure

10-61-4110-5300-5710	Non-Departmental - Economic Development	25,000.00	11,899.00	36,899.0
10-61-4110-5300-5711	Non-Departmental - Public Library (HAC)	270,000.00	22,930.00	292,930.0
10-61-4110-5300-5712	Non-Departmental - S.H.A.R.P. Reimb	18,000.00	39,000.00	57,000.0
10-10-4200-5700-7400	Finance Dept. - Capital Outlay (Collection Window Chairs)	8,000.00	1,500.00	9,500.0
10-10-4900-5300-4501	Planning - C.S./Engineering Standards Manual	26,900.00	15,000.00	41,900.0
10-10-4900-5300-4502	Planning - Condemnation	0.00	48,000.00	48,000.0
10-20-5100-5300-1700	Police - Equip Maintain & Repair (Dell Marketing)	59,600.00	6,260.56	65,860.5
10-20-5100-5300-3100	Police - Vehicle Supplies(Mary Jacobs)	86,300.00	2,900.00	89,200.0
10-20-5100-5300-3300	Police - Supplies/Operations (American Uniform Sales)	85,150.00	835.00	85,985.0

10-20-5100-5300-3600	Police - Uniforms (Lawmens)	33,300.00	2,472.00	35,772.0
10-20-5100-5700-7400	Police - Capital Outlay - Performance Chrysler Jeep Dodge	0.00	134,786.48	134,786.4
10-20-5100-5700-7400	Police - Capital Outlay - Communications International	0.00	24,237.40	24,237.4
10-20-5300-5300-1700	Fire - Equipment Maint & Repair Batteries of NC)	40,000.00	2,569.20	42,569.2
10-20-5300-5300-3100	Fire - Vehicle Maintenance (Dana Safety Supply)	65,000.00	2,175.00	67,175.0
10-20-5300-5300-3100	Fire - Vehicle Maintenance (CW Williams &Co Inc)	65,000.00	1,480.00	66,480.0
10-20-5300-5300-3300	Fire - Supplies/Operations (Connections Public Sector Solutions)	65,000.00	1,802.62	66,802.6
10-20-5300-5300-3300	Fire - Supplies/Operations (FCB Visa)	65,000.00	1,700.97	66,700.9
10-20-5300-5300-3600	Fire - Uniforms (Atlantic Emergency Solutions)	52,500.00	9,500.00	62,000.0
10-60-5500-5300-3440	General Services - Appearance Commission	15,000.00	15,863.00	30,863.0
10-60-5500-5300-3440	General Services - Appearance Commission (Cutting Time Landscape)	15,000.00	4,900.00	19,900.0
10-60-5500-5700-7400	General Services -Capital Outlay (Replacement Dump Truck)	5,000.00	60,000.00	65,000.0
10-60-5500-5700-7400	General Services -Capital Outlay (Christmas Lights)	5,000.00	5,000.00	10,000.0
10-30-5600-5300-7300	Streets - Sidewalk & Curb Repair (NCDOT Sidewalk Agreement)	25,000.00	112,406.00	137,406.0
10-30-5600-5700-7400	Streets - Capital Outlay (I95 Bridge Lighting)	16,500.00	93,000.00	109,500.0
10-30-5650-5700-7400	Garage - Capital Outlay (Griffin Garage Doors)	0.00	10,900.00	10,900.0
10-30-5700-5300-3300	Powell Bill - Supplies Operations (S.T. Wooten)	12,000.00	2,000.00	14,000.0
10-30-5700-5300-3300	Powell Bill - Supplies Operations (Blythe Construction)	12,000.00	2,000.00	14,000.0
10-30-5700-5300-3300	Powell Bill - Supplies Operations (Core & Maine LP)	12,000.00	2,802.12	14,802.1
10-30-5700-5300-3310	Powell Bill - Drainage (Hanson Aggregates Inc)	13,000.00	1,087.74	14,087.7
10-30-5700-5300-3310	Powell Bill - Drainage (Argos USA LLC)	13,000.00	1,823.32	14,823.3
10-30-5700-5700-7310	Powell Bill - Patch & Resurface (Tripp Brothers)	289,593.00	194,138.15	483,731.1
10-40-5800-5300-3100	Sanitation -Vehicle Supplies & Maint	80,000.00	632.49	80,632.4
10-40-5900-5300-3310	Stormwater - Drainage (Hanson Aggregates)	69,000.00	1,501.58	70,501.5
10-40-5900-5700-7400	Stormwater - Capital Outlay (Tracer Electronics)	0.00	12,600.00	12,600.0
10-60-6200-5300-4501	Parks & Rec - Service Contracts Maurer Architecture)	75,270.00	25,000.00	100,270.0
10-60-6200-5700-7400	Parks & Rec - Capital Outlay (McAdams)	109,500.00	37,035.79	146,535.7
10-60-6200-5700-7400	Parks & Rec - Capital Outlay (2 Pick-Up Trucks))	109,500.00	65,000.00	174,500.0
10-60-6220-5300-1301	SRAC - Generator Fuel/Maintenance (Powersecure Inc)	23,665.00	649.96	24,314.9
10-60-6220-5300-3300	SRAC - Supplies/Operations (Capital Promotions)	35,000.00	1,200.00	36,200.0
10-60-6220-5700-7400	SRAC - Capital Outlay (Duffield Aquatics)	91,500.00	3,699.72	95,199.7
			<u>0.00</u>	<u>0.0</u>
		<u>\$1,991,278.00</u>	<u>\$982,288.10</u>	<u>\$2,973,566.1</u>

To bring forward encumbrances from the 2021-2022 General Fund Budget to FY22-23

2. Revenue

30-71-3900-3900-0000	Fund Balance Appropriation	<u>\$1,265,880.00</u>	<u>\$350,541.28</u>	<u>\$1,616,421.2</u>
Expenditures				
30-71-7220-5300-3300	Water Dist/Sewer Coll - Supplies/Operations	238,740.00	5,150.68	243,890.6
30-71-7220-5700-7400	Water Dist/Sewer - Capital Outlay (Work Truck)	171,700.00	35,000.00	206,700.0
30-71-7220-5700-7400	Water Dist/Sewer - Capital Outlay (Core and Main)	171,700.00	47,644.60	219,344.6
30-71-7220-5300-5710	Water Dist/Sewer Coll. - Economic Development	95,000.00	245,496.00	340,496.0
30-71-7220-5970-9101	Water Dist/Sewer Coll. - Transfer to W/S Cap Proj Fund	<u>1,945,880.00</u>	<u>17,250.00</u>	<u>1,963,130.0</u>
		<u>\$2,623,020.00</u>	<u>\$350,541.28</u>	<u>\$2,973,561.2</u>

To bring forward encumbrances from the 2021-2022 Water/Sewer Fund Budget to FY22-23

3. Revenue				
31-72-3900-3900-0000	Fund Balance Appropriation	<u>\$305,000.00</u>	<u>\$389,603.24</u>	<u>\$694,603.2</u>
Expenditures				
31-72-7230-5300-3300	Electric - Supplies/Operations	\$295,500.00	\$5,261.00	\$300,761.0
31-72-7230-5300-5710	Electric - Economic Development	0.00	195,496.00	195,496.0
31-72-7230-5700-7400	Electric - Capital Outlay (Piedmont Truck Center)	16,700.00	150,000.00	166,700.0
31-72-7230-5700-7400	Electric - Capital Outlay (Versalift Southeast)	16,700.00	11,276.50	27,976.5
31-72-7230-5700-7401	Electric - East River Electric Infrastructure (Wesco)	<u>200,000.00</u>	<u>27,569.74</u>	<u>227,569.7</u>
		<u>\$528,900.00</u>	<u>\$389,603.24</u>	<u>\$918,503.2</u>

To bring forward encumbrances from the 2022-2022 Electric Fund Budget to FY22-23

4. Revenue				
40-61-3900-3900-0000	Fund Balance Appropriation	<u>\$0.00</u>	<u>\$941.00</u>	<u>\$941.0</u>
Expenditures				
40-61-4100-5300-3400	J.B. George Projects	360.00	397.00	757.0
40-61-4100-5300-3410	J.P. George Projects	<u>40.00</u>	<u>544.00</u>	<u>584.0</u>
		<u>\$400.00</u>	<u>\$941.00</u>	<u>\$1,341.0</u>

To bring forward encumbrances from the 2021-2022 J.B. George Fund Budget to FY22-23

10. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
P/T Recreation 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
Police Officer I/II – Patrol (6 positions)	Police	10-20-5100-5100-0200
P/T Collections Assistant	PU – Electric	31-72-7230-5100-0200
Public Works Administrative Assistant	PW – Streets	10-30-5600-5100-0200
Sanitation Equipment Operator (3 positions)	PW – Sanitation	10-40-5800-5100-0200
Utility Line Mechanic (3 positions)	PU – Water/Sewer	30-71-7220-5100-0200
Water Plant Superintendent	PU – Water Plant	30-71-7200-5100-0200

11. Special Event: Buds Foundation Car & Bike Show: Buds Foundation was granted approval to hold a bike and car show on September 10, 2022 from 10 am until 3:00 pm at 1043 Outlet Center Drive.

12. Advisory Board Appointments

- Terri Lee was reappointed to serve a second term on the Library Board of Trustees.
- Debbie Howard was reappointed to serve a second term on the Planning Board.
- Elizabeth Temple was appointed to serve a first term on the Historic Properties Commission.

BUSINESS ITEMS:

1. Discussion concerning future sewer capacity

Town Manager Michael Scott informed the Council this item was on the agenda to provide a history on the Town’s sewer capacity, the sewer plant; as well as, Smithfield’s involvement in the region. Most of this took place in the 1970’s when Smithfield operated its own sewer plant. Councilman Scott explained that he did some extensive research into the history of the sewer plant, its capacities and Smithfield’s assistance with sewer capacity to neighboring communities. Councilman Scott explained the 201 Study was conducted by Ragsdale Engineers in the 1970s which was a regional sewer system study that involved Smithfield, Selma, Pine Level, Four Oaks and Johnston County. Smithfield was the lead agency for this project. It was later decided that the County would own, operate and control the waste water treatment plant. The County was adamant that each Town should pay their part.

Councilman Scott stated it was important for this Council to understand the history of the sewer treatment plant and Smithfield’s role because decisions made in the past were now affecting growth. Councilman Scott asked members of the Council to review the data he collected so they could make an informed decision on the new sewer contract being proposed by the County.

Mayor Moore thanked Councilman Scott for his extensive research. He stated this was a very important issue and one that was not being taken lightly.

2. Annexation Request – Blueline Aviation (ANX-22-02): The property owner has submitted a request for voluntarily noncontiguous annexation of 14.43 acres into the Town of Smithfield and adoption of Resolution No. 708 (17-2022) setting the date of the public hearing for October 4, 2022

Planning Director Stephen Wensman addressed the Council on a request by BlueLine Aviation to annex 14.43 acres into the Town of Smithfield. Mr. Wensman explained this was the first step in the annexation process. The Council was asked to adopt Resolution No. 708 (17-2022) setting the date of the public hearing for October 4, 2022.

Councilman Barbour made a motion, seconded by Councilman Wood, to adopt Resolution No. 708 (17-2022) setting the date of the public hearing for October 4, 2022. Unanimously approved.

**TOWN OF SMITHFIELD
RESOLUTION No. 708 (17-2022)
FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION
PURSUANT TO G.S. 160A-58.2**

WHEREAS, a petition requesting annexation of the non-contiguous area described herein has been received; and

WHEREAS, the Town Council has by Resolution No. 704 (13-2022) directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

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

Section 1: A public hearing on the question of annexation of the non-contiguous area described herein will be held in the Council Chambers of the Town Hall located at 350 East Market Street, Smithfield North Carolina at 7:00 pm on October 4, 2022.

Section 2: The area proposed for annexation is described as follows:

3149B SWIFT CREEK ROAD DESCRIPTION

A PARCEL OF LAND NOW OR PREVIOUSLY OWNED BY BLUE LINE AVIATION, LLC (DB 6090 PG 571) LOCATED IN THE TOWN OF SMITHFIELD, JOHNSTON COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND IRON PIPE ON THE WESTERLY LINE OF SWIFT CREEK ROAD (SR #1501; 60 FOOT PUBLIC RIGHT OF WAY); SAID POINT BEING THE SOUTHERN MOST CORNER OF SAID LANDS OWNED BY BLUE LINE AVIATION, LLC;

THENCE N 49-13-59 W A DISTANCE OF 100.89 FEET TO AN IRON PIPE AT THE EASTERN MOST CORNER OF LANDS NOW OR FORMERLY OWNED BY RONNIE STEPHENS (DB 5194 PG 694);

THENCE N 48-51-54 W ON THE NORTHEASTERLY LINE OF SAID STEPHENS LANDS, A DISTANCE OF 226.82 FEET TO AN IRON PIPE AT THE EASTERN MOST CORNER OF LANDS NOW OR FORMERLY OWNED BY CMC REAL ESTATE (DB 5778 PG 880);

THENCE N 48-53-11 W ON THE NORTHEASTERLY LINE OF SAID CMC REAL ESTATE, A DISTANCE OF 338.42 FEET TO AN IRON PIPE AT THE EASTERN MOST CORNER OF LANDS NOW OR FORMERLY OWNED BY MESSENGILL RENTAL (DB 6072 PG 711);

THENCE N 48-50-31 W ON THE NORTHEASTLY LINE OF SAID MASSENGILL RENTAL, A DISTANCE OF 96.51 FEET TO AN IRON BAR;

THENCE N 63-19-20 W ON THE NORTHERLY LINE OF SAID MASSENGIIL RENTAL, AND DCB BLDG, LLC (DB 5894 PG 278) A DISTANCE OF 602.90 FEET TO AN IRON PIPE AT THE EASTERN MOST CORNER OF LANDS NOW OR FORMERLY OWNED BY EMG PROPERTIES, LLC (DB 4542 PG 471);

THENCE N 63-18-15 W ON THE NORTHERLY LINE OF SAID EMG PROPERTIES LLC, A DISTANCE OF 695.95 FEET TO AN IRON PIPE ON THE EAST LINE OF SUNSET POINTE SUBDIVISION;

THENCE N 0-17-51 W ON THE EAST LINE OF SUNSET POINTE SUBDIVISION A DISTANCE OF 325.01 FEET TO AN IRON BAR AT THE INTERSECTION WITH THE SOUTHERLY LINE OF LANDS NOW OR FORMERLY OWNED BY BYRDS WHOLESALE INC (DB 1185 PG 278);

THENCE S 63-42-56 E A ON THE SOUTHERLY LINE OF SAID BYRDS WHOLESALE INC, A DISTANCE OF 1446.13 FEET TO AN IRON BAR;

THENCE S 50-21-23 E CONTINUING ON THE SOUTHERLY LINE OF SAID BYRDS WHOLESALE INC, A DISTANCE OF 740.40 FEET TO THE WEST LINE OF SWIFT CREEK ROAD;

THENCE ON THE WEST LINE OF SWIFT CREEK ROAD THE FOLLOWING 4 CALLS:

- (1) S 32-34-33 W A DISTANCE OF 40.76 FEET TO AN IRON BAR;
- (2) S 28-33-01 W A DISTANCE OF 66.55 FEET TO AN IRON BAR;
- (3) S 24-04-37 W A DISTANCE OF 61.71 FEET TO AN IRON BAR;
- (4) S 18-59-20 W A DISTANCE OF 156.05 FEET TO THE POINT OF BEGINNING.

CONTAINING 628,567 SQUARE FEET, OR 14.43 ACRES MORE OR LESS.

Section 3: Notice of the public hearing shall be published once in the Johnstonian News, a newspaper having general circulation in the Town of Smithfield, at least ten (10) days prior to the date of the public hearing.

3. Drive Consideration and request for approval enter into a contract with KCI Associates of NC to update the Town’s Standards Details and Specification Manual

Planning Director Stephen Wensman explained the Town’s Standard Details and Specifications Manual (Manual) were prepared in 2000 and are outdated and in need of an update. The standards are out of synch with the Town’s Unified Development Ordinance (UDO), Fire Code and Engineering Best Practices. The Smithfield Utilities Department updated the Water and Sewer Standard Details and Specifications several years ago and these are not included in this update project. The Planning Department has been updating the UDO over the last several years, but has not submitted updates to Article 10, Performance Standards because they are linked to the Manual. Article 10 and the Manual should be updated together at the same time.

The Planning Staff had contacted several planning/engineering firms last year to get a ballpark estimate for the update work. The estimated cost received from one of the firms was around \$30,000 which was adopted by the Town Council in the Planning Department Budget. Staff sent out an RFQ (Request for Qualifications) and due to inflation, the actual cost was \$9,700 over the original budget estimate. Also, only one firm, KCI Associates of NC, out of the 5 contacted was interesting in the project. Staff was requesting the Council approve the contract with KCI Associates of NC and approve the budget amendment for the additional unbudgeted funds.

Mayor Pro-Tem Dunn questioned asked if the Standards Detail and Specification Manual would be specific for Smithfield. Mr. Wensman responded it would be specific to the Town.

Councilman Barbour made a motion, seconded by Councilman Rabil, to approve the contract with KCI Associates of NC in the amount of \$39,700 and the budget amendment associated with the contract. Unanimously approved.

<u>GENERAL FUND</u>	<u>BEFORE</u>	<u>ADJ.</u>	<u>AFTER</u>
1. Expenditures			
10-00-9990-5300-0000 GF			
Contingency	\$ 275,000	\$ (9,700)	\$ 265,300
10-10-4900-5300-4501 Planning -			
Contract Services	<u>26,900</u>	<u>9,700</u>	<u>36,600</u>
	<u>\$ 301,900</u>	<u>\$ -</u>	<u>\$ 301,900</u>

To fund cost increase of Standard Specifications and Details Manual (AKA Engineering Standards)

Councilmembers Comments:

- Councilman Barbour informed the Council the second annual Drone Fly In event would be take place on October 8, 2022 at 10:00am at Johnson Park in West Smithfield.

Town Manager’s Report:

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

- 9/11 Community Event on September 10, 2022 at 4:00 pm at the Community Garden
- The amphitheater drawings were moving forward so we can complete this project with the grant requirement
- The Hasting House renovations were grant funded and progressing nicely.
- The SRAC gymnasium will be closed until September 30th so the floors can be refinished
- Halloween will be observed on October 31, 2022 from 5:00 pm until 8:00 pm

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

Councilman Wood made a motion, seconded by Councilman Rabil, to enter into Close Session pursuant to the aforementioned statute. Unanimously approved at 8:33 pm.

Reconvene in Open Session

Councilman Barbour made a motion, seconded by Councilman Wood, to reconvene in open session. Unanimously approved at 9:42 pm.

No action taken following Closed Session

Adjourn

Having no further business, Councilman Barbour made a motion, seconded by Mayor Pro-Tem Dunn, to adjourn the meeting. The meeting adjourned at approximately 9:43 pm.

ATTEST:

Shannan L. Parrish, Town Clerk




M. Andy Moore, Mayor