

The Smithfield Town Council met in regular session on Tuesday, March 5, 2024 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:

Marlon Lee, District 1
Sloan Stevens, District 2
Travis Scott, District 3
Dr. David Barbour, District 4
John Dunn, At-Large
Stephen Rabil, At-Large

Councilmen Absent

Roger Wood, Mayor Pro-Tem

Administrative Staff Present

Michael Scott, Town Manager
Ted Credle, Public Utilities Director
Lawrence Davis, Public Works Director
Pete Hedrick, Chief of Police
Gary Johnson, Parks & Rec Director
Tim Kerigan, Human Resources
Eric McDowell, IT Director
Shannan Parrish, Town Clerk
Greg Siler, Finance Director
Stephen Wensman, Planning Director

Also Present

Robert Spence, Jr., 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 Dunn made a motion, seconded by Councilman Scott, to approve the agenda with the following amendments. Unanimously approved.

Add to the Consent Agenda:

11. Special Event: Easter Reenactment – Centenary United Methodist Church is requesting to close South Second Street from Johnston Street to Market Street on Sunday, March 24, 2024 from 3:45 pm until 7:00 pm. The event will take place from 4:00pm until 6:00 pm.
12. Special Event: Transgender Day of Visibility – Bennett Chapman is requesting to hold a speaking event and march on Sunday, March 31, 2024 from 4:00 pm until 6:00 pm at the corner of Market Street and South Second Street. The event includes a request to use amplified sound.

Remove from the Consent Agenda and add to the Business Items:

4. Special Event: Red, White & Brews Festival – The Downtown Smithfield Development Corporation is requesting to hold an event in the 100 block of South Third Street on Sunday, June 30, 2024 from 10:00am until 6:00pm. This request includes the closure of the 100 block of South Third Street, amplified sound, food truck sales and alcohol sales – (Became Business Item 5)
8. Consideration and request for approval to award a bid in the amount of \$12,250.00 to David Hinton Construction Co. for walkway and concrete work at the 2nd Street Dog Park- (Became Business Item 6)

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

PRESENTATIONS: None

PUBLIC HEARINGS: None

CITIZEN'S COMMENTS:

- Lindsey Bean expressed concerns about the property at 9 Alpine Court.
- Alice Vick expressed concerns about several Smithfield Police Officers
- Peter Hulth expressed concerns about the proposed Buffalo Road rezoning request.
- Terri Billot, owner of the Twisted Willow, stated she was concerned about the Farmer's Market not being on the agenda until the April 2nd Town Council meeting. She stated she was trying to secure vendors for the events.

CONSENT AGENDA:

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

1. Minutes
 - a. January 23, 2024 – Regular Meeting
 - b. January 30, 2024 – Recessed Meeting
 - c. February 6, 2024 – Regular Meeting
2. Special Event: Shamrock N Roll – Approval was granted to allow the Bulldog’s Harley - Davidson to hold an event at 1043 Outlet Center Drive on Saturday, March 16, 2024 from 12:00pm until 4:30 pm. Also approved was amplified sound, a food truck, merchandise for sale and free beer.
3. Special Event: Spring Fling - Approval was granted to allow the owners of Twisted Willow to hold an event in the 100 block of South Third Street on Saturday, May 18, 2024 from 9:30am until 2:30pm. This request includes the closure of South Third Street, amplified sound, and merchandise for sale.
4. Approval was granted to promote a Police Officer II to the rank of Master Police Officer
5. Approval was granted to promote a Police Officer I to the rank of Police Officer II
6. Approval was granted to enter into a contract with Thompson, Price, Scott, Adams & Company, PA. to perform the Town’s 2024 annual audit
7. Approval was granted to adopt Resolution No. 742 (03-2024) appointing Michael O’Dowd to the Downtown Smithfield Board of Directors

TOWN OF SMITHFIELD
 RESOLUTION NO. 742 (03-2024)
 Supporting an Appointment to the Downtown Smithfield
 Development Corporation’s Board of Directors

WHEREAS, The Smithfield Town Council has received a request from the Downtown Smithfield Development Corporation’s Board of Directors to appoint a member to its Board; and

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

WHEREAS, the Downtown Smithfield Development Corporation Board of Directors have recommended the new appointment of Michael O’Dowd; and

WHEREAS, the Town Council is asked to consider this appointment and make a determination.

NOW THEREFORE, BE IT RESOLVED, the Town Council does hereby approve the appointment of Michael O’Dowd to the Downtown Smithfield Development Corporation’s Board of Directors.

8. New Hire Report

Recently Hired	Department	Budget Line	Rate of Pay
Part-Time Athletics Staff (2)	P&R – Recreation	10-60-6200-5300-0210	\$10.00/hr.
Part-Time Fitness Instructor	P&R – Aquatics	10-60-6220-5100-0230	\$15.00/hr.
Part-Time Police Officer	Police	10-20-5100-5100-0200	\$22.26/hr.
Part-Time SRAC General Staff	P&R – Aquatics	10-60-6220-5100-0210	\$12.00/hr.
Equipment Operator	PW – Sanitation	10-40-5800-5100-0200	\$17.21/hr. (\$35,796.80/yr.)
Police Officer I (4)	Police	10-20-5100-5100-0200	\$22.26/hr. (\$49,773.36/yr.)

Current Vacancies	Department	Budget Line
Aquatic Center Supervisor	P&R - Aquatics	10-60-6220-5100-0200
Firefighter	Fire	10-20-5300-5100-0200
Police Officer (6)	Police	10-20-5100-5100-0200

9. Special Event: Easter Reenactment – Approval was granted to allow Centenary United Methodist Church is requesting to close South Second Street from Johnston Street to Market Street on Sunday, March 24, 2024 from 3:45 pm until 7:00 pm. The event will take place from 4:00pm until 6:00 pm.
10. Special Event: Transgender Day of Visibility – Approval was granted to allow Bennett Chapman to hold a speaking event and march on Sunday, March 31, 2024 from 4:00 pm until 6:00 pm at the corner of Market Street and South Second Street. The event includes a request to use amplified sound

BUSINESS ITEMS:

1. **Buffalo Road Rezoning Request (CZ-23-01)**
 Town Manager Michael Scott reminded the Council that at last month’s meeting, the Council chose to table a decision on this matter following the public hearing. The applicant requested this item to be tabled until the April 2, 2024 Town Council Meeting.

Councilman Barbour made a motion, seconded by Councilman Stevens, to table the Buffalo Road Rezoning Request (CZ-23-01) until the April 2, 2024 Town Council meeting. Unanimously approved.

2. Discussion Concerning Wholesale Electric Rates

Public Utilities Director Ted Credle addressed the Council on a proposed wholesale electric rate increase. He explained that in 2020, the Town sked USF to conduct an electric rate study. The study included a 2% rate increase in FY 2024-2025. The study did not foresee was the 70% increase in the price of natural gas in 2022. Natural gas made up 35% of all Duke Energy generation in 2022. As a result, there was a very large deficit in the True-ups with all bulk customers including NCEMPA members. Mr. Credle further explained "true-ups" and the costs to the Town. He further stated that future economic indicators are also predicting that 2023 may be another large energy debt. As a result, public utilities will be seeking a 6% rate increase to cover the cost. To further explain, he stated the 6% increase would the average bill about \$7.00 per month. Staff will discuss this further with the Council during the budget discussions.

Councilman Scott made several inquiries about the information provided. He stated the Town was efficiently operating the utility fund.

3. Special Event: Ham & Yam Festival - The Downtown Smithfield Development Corporation is requesting to modify the annual event to include the sale of alcohol

Planning Director Stephen Wensman explained this annual event was being presented to the Council because it was being modified to include alcohol sales. He explained DSDC President John Billot was in attendance to address any of the Council concerns.

Mr. Billot explained that the DSDC has experience a lot of changes in the past few months. The promotions committee has been tasked with the planning and implementation of the annual Ham and Yam Festival. The committee has implemented a lot of changes in the event and now has a total of almost 200 vendors wishing to participate. The committee reviewed survey data which revealed dissatisfaction at the lack of beer or wine at the festival. He explained the committee was proposing two tents at the amphitheater and two tents on South Third Street that would sell beer and/or wine. Designated areas for alcohol consumption would be clearly labeled. Mr. Billot further stated he spoke with Chief Hedrick and he did not believe he would have to increase Police staffing for the event.

Councilman Scott expressed his opposition to allowing beer and wine sales to what has historically been a family festival. Mr. Billot responded that the majority of the festival was family friendly and alcohol would not be permitted in all areas of the festival.

Councilman Dunn questioned if alcohol sales and consumption would be limited to South Front Street and South Third Street. Mr. Billot responded in the affirmative.

Councilman Stevens stated the Ham and Yam festival was very personal for him because his family ties to the event. He expressed his appreciation to the committee and all they were doing to grow the festival and its popularity. He suggested additional staffing for the areas in question.

Councilman Dunn questioned if the Polie Chief thought Police staffing would be an issue. Chief Herick responded that he was relying on his veteran staff for their input on the appropriate staffing level needed. He felt that the Police Department could easily handle the festival.

Councilman Barbour stated he was concerned that while the alcohol sales would attract a different type of festival goer it would also alienate others. He stated their needed to be a way to attract family groups by offering more family friendly activities that is not offensive to anyone. He felt that any event with alcohol sales should be limited to the evening hours.

Mr. Billot stated it was the intent of the DSDC to bring people downtown not only to enjoy the events, but also to patronize the downtown businesses. It has been his experience that when beer and wine are severed at the downtown events, people stay longer and spend more money.

Councilman Stevens stated that he was opposed to allowing alcohol consumption and sales in all parts of the festival, but was in favor of allowing beer/wine sales and consumption in clearly designated areas. He further stated this the first-time trying beer/wine sales at the Ham and Yam festival and if it does not work, it can be eliminated next year. As a proud sponsor of the festival, he was willing to at least give it a try.

Mayor Moore questioned if the designated area for sales and consumption would be clearly defined and sectioned off. Mr. Billot responded in the affirmative. He further stated that Police would be monitoring it closely to ensure beer/wine would not leave the designated areas.

Councilman Stevens made a motion, seconded by Councilman Dunn, to approve the request to allow sale and consumption of beer and/wine in the 100 block of South Third Street and Front Street near the amphitheater with more of a police presence and with the option for the Police Chief to prohibit all alcohol sales should it become an issue.

Before Mayor Moore called for a vote, Town Manager Michael Scott requested that the motion include that staff must approve all safety and security measures to eliminate underage consumption of alcohol and that alcohol will be prohibited from leaving the designated areas.

Councilman Stevens amended his motion, seconded by Councilman Dunn, to approve the request to allow sale and consumption of beer and/wine in the 100 block of South Third Street and Front Street near the amphitheater with more of a police presence and with the option for the Police Chief to prohibit all alcohol sales should it become an issue. Also, that staff must approve all safety and security measures to eliminate underage consumption of alcohol and that alcohol will be prohibited

from leaving the designated areas. Councilman Stevens, Councilman Dunn, Councilman Rabil and Mayor Moore voted in favor of the motion. Councilman Lee, Councilman Scott and Councilman Barbour voted against the motion. Motion passed 4 to 3.

4. Consideration and request for approval to award a bid in the amount of \$274,800 to Joe Johnson Equipment for the purchase of a garbage truck for the Public Works Sanitation Department

Public Works Director Lawrence Davis addressed the Council on a request to award a bid to Jo Johnson Equipment for the purchase of a new garbage truck. He explained that for FY 2023-2024, the Council budgeted \$300,000 for this purchase. It was the recommendation of the Public Works department to purchase the 2024 Labrie LEACH 2R-III trash truck from Joe Johnson Equipment in the amount of \$274,800.00 (including liense and registration fees). He asked that the Council consider purchasing the additional 5-year warranty for \$14,1493.00.

Councilman Scott made a motion, seconded by Councilman Barbour, to purchase the garbage truck and the five-year warranty from Joe Johnson Equipment in the amount of \$291,493. Unanimously approved.

5. Special Event: Red, White & Brews Festival – The Downtown Smithfield Development Corporation is requesting to hold an event in the 100 block of South Third Street on Sunday, June 30, 2024 from 10:00am until 6:00pm. This request includes the closure of the 100 block of South Third Street, amplified sound, food truck sales and alcohol sales.

Planning Director Stephen Wensman stated this was a DSDC event and John Billot was present to address any concerns.

DSDC President John Billot stated this event was held last year and it was successful. He's requesting that the DSDC be allowed to hold this event again.

Councilman Barbour stated he had concerns will alcohol sales and amplified sound in the form of a band beginning at 10:00 am on Sunday morning. Since this was being held on a Sunday, he felt more comfortable with those items not beginning until 12:00pm. Mr. Billot responded it was the intent that no amplified sound or alcohol sales begin until 12:00pm. The 10:00 am time listed on the application was to allow for the street closure and set up.

Councilman Dunn made a motion, seconded by Councilman Stevens, to approve the request with amplified sound and alcohol sales beginning at 12:00pm. Councilman Dunn, Councilman Stevens, Councilman Lee, Councilman Barbour and Councilman Rabil voted in favor of the motion. Councilman Scott voted against the motion. Motion passed 5 to 1.

6. Consideration and request for approval to award a bid in the amount of \$12,250.00 to David Hinton Construction Co. for walkway and concrete work at the 2nd Street Dog Park

Parks and Recreation Director Gary Johnson addressed the Council on a request to award a bid to David Hinton Construction Company for walkway and concrete work at the 2ns Street Dog Park. He explained this was added to the budget by the Council for concrete pads for the tables and benches at the park. He further explained that by adding the sidewalks it creates handicapped accessibility.

Councilman Barbour stated he was concerned about spending additional funds on a park not owned by the Town. He further stated the Town should be spending funds on land it owns and not land it leases.

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

7. FY 2024-2025 Budget Discussion

Town Manager Michael Scott explained this was on the agenda in the event the Council wanted to begin budget discussions or if the Council wished to recess this meeting to another date prior to the March 19th meeting.

Councilmembers Comments:

- Councilman Scott provided the Council on the Wate/Sewer Regionalization meetings.

Town Manager's Report:

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

- Mother-Son Dance at SRAC, April 13th.
- Litter Sweep scheduled for Saturday, April 20th.
- The next Town Council meeting will be held on March 19th at 7:00 pm

Closed Session: Pursuant to NCGS 143-318.11 (a) (3) & (6)

Councilman Barbour made a motion, seconded by Councilman Scott, to go into Closed Session pursuant to the aforementioned statute. Unanimously approved at approximately 8:30 pm.

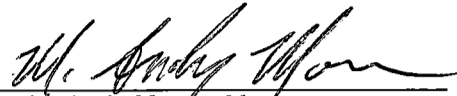
Reconvene in Open Session

Councilman Rabil made a motion, seconded by Councilman Dunn, to reconvene the meeting in Open Session. Unanimously approved at approximately 9:41 pm

No action taken following the Closed Session.

Adjourn

Councilman Lee made a motion, seconded by Councilman Stevens, adjourn the meeting. The meeting adjourned at approximately 9:42 pm.


M. Andy Moore, Mayor



ATTEST:

Shannan L. Parrish, Town Clerk