

The Smithfield Town Council met in regular session on Tuesday, October 3, 2023 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
Sloan Stevens, District 2
Dr. David Barbour, District 4
Roger Wood, At-Large
Stephen Rabil, At-Large

Councilmen Absent

Travis Scott, District 3

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 7:00 pm.

INVOCATION

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

APPROVAL OF AGENDA:

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

Add to the Consent Agenda:

12. Proclamation: Declaring November 1, 2023 as National Family Literacy Day in the Town of Smithfield

Add to the Business Items:

4. Discussion concerning the FY 2023-2024 Resurfacing Project.

Councilman Lee stated that at the last meeting, he requested to have a detailed update from Skip Green on the CDBG Housing Revitalization grant. He questioned why that item was not placed on the agenda.

Town Manager Michael Scott responded he apparently misunderstood the meeting between Councilman Lee and himself about this issue. It was his recollection that Councilman Lee did not need to discuss this at the Council meeting

Councilman Lee stated that was not the reason for the meeting with the Town Manager. He stated his reason for that meeting was to discuss a concern he had with a former employee

Councilman Wood, Councilman Stevens, Mayor Pro-Tem Dunn, Councilman Barbour, Councilman Rabil voted in favor of the motion. Councilman Lee voted against the motion. Motion passed 5 to 1.

PRESENTATIONS:

1. Administering the Oath of Office to New Fire Chief Jeremy Daughtry

Mayor Moore administered the oath of office to new Fire Chief Jeremy Daughtry and congratulated him on his promotion.

2. Proclamation – Recognizing October as Fire Prevention Month in the Town of Smithfield

Mayor Moore presented the following proclamation to Fire Chief Jeremy Daughtry.

PROCLAMATION
Recognizing October
As Fire Prevention Month
In the Town of Smithfield

WHEREAS, fire is a serious and constant threat to our community, causing significant loss of life, property, and natural resources; and

WHEREAS, the month of October is recognized as Fire Prevention Month, providing an opportunity to educate the public about fire safety and prevention; and

WHEREAS, the Smithfield Fire Department, in partnership with local organizations, is committed to promoting fire safety and reducing the risk of fires in our community; and

WHEREAS, the theme for Fire Prevention Month 2023 is "Prevent Cooking Fires: Watch What You Heat!"; and

WHEREAS, cooking fires are the leading cause of home fires and home fire injuries, with unattended cooking being the primary contributing factor; and

WHEREAS, the Smithfield Fire Department will be hosting various events and activities throughout the month to raise awareness about fire safety and prevention.

NOW, THEREFORE, I, M. Andy Moore, Mayor of Smithfield, NC, do hereby proclaim the month of October 2023 as Fire Prevention Month in Smithfield, NC. I urge all citizens to:

Practice fire safety by installing and maintaining smoke alarms, creating a home fire escape plan, and regularly practicing fire drills with their families;

Exercise caution while cooking by staying in the kitchen while cooking, using a timer to remind themselves of cooking times, and keeping flammable items away from the stove;

Participate in Fire Prevention Month activities organized by the Smithfield Fire Department, such as open houses, educational programs, and fire station tours, to learn more about fire safety and prevention.

By working together, we can make our community a safer place to live.

3. Proclamation – Recognizing October 1-7, 2023 as Public Power Week in the Town of Smithfield

Mayor Moore presented the following proclamation to Public Utilities Director Ted Credle.

**PROCLAMATION
Recognizing Public Power Week
October 1-7, 2023
In the Town of Smithfield**

WHEREAS, public power is a crucial component in cities and towns across North Carolina, contributing to the overall health of communities by providing reliable electricity, excellent local service, and prompt restoration; and

WHEREAS, North Carolina's more than 70 public power cities and towns are among more than 2,000 across the country; and

WHEREAS, many of North Carolina's public power cities and towns have been electric providers for more than 100 years, assisting their communities through boom times as well as pandemics and economic downturns; and

WHEREAS, public power meets the electric needs of 49 million Americans, who make up almost 15 percent of electricity consumers; and

WHEREAS, North Carolina's public power utilities are valuable community assets that contribute to the well-being of the community and provide economic development opportunities; and

WHEREAS, North Carolina's public power utilities are dependable institutions that provide excellent service and a commitment to community; and

WHEREAS, the Town of Smithfield recognizes Public Power Week and commends the public power cities and towns across our state for their outstanding contributions to our communities.

NOW, THEREFORE, I, *M. Andy Moore*, Mayor of the Town of Smithfield, along with the Town Council, do hereby proclaim October 1st through the 7th as

Public Power Week

in the Town of Smithfield and commends its observation to all citizens.

4. Discussion regarding the maintenance and possession of chickens within Town limits

Planning Director Stephen Wensman explained that at the request of Council he was asked to review neighboring communities' ordinances allowing citizens to keep chickens. Currently, the Town's ordinances prohibit the keeping of chickens in the Town limits. Mr. Wensman stated there were other community that allowed the keeping of chickens with similar standards.

Mayor Moore stated he would like to have input from citizens on this matter.

PUBLIC HEARINGS:

- 1. Rezoning Request: Johnson's Tire & Auto (RZ-23-02)** - The applicant is requesting to rezone a .53-acre portion of a 1.53-acre tract of land from the R-20A Residential-Agriculture zoning district to the B-3 Highway Entrance Business zoning district. The property considered for rezoning is located on the south side of NC Highway 210, approximately 100 feet west of its intersection with Skyland Drive. The property is further identified as a portion of Johnston County Tax ID# 15076014.

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

Planning Director Stephen Wensman explained Johnston Tire was requesting a zoning map amendment to rezone 0.53-acres of their 1.53-acre property from R-20A (Residential-Agricultural) to B-3 (Highway Entranceway Business). Johnson Tire and Auto expanded onto the 0.53-acre parcel a few years ago to use the space for parking. The expansion and use of the land for parking was done prior to site plan approval. The applicant has since received site plan approval and has been in the process of meeting all the requirements: paving, landscaping, buying down Nitrogen and rezoning.

CONSISTENCY STATEMENT (Staff Opinion):

With approval of the rezoning, the Planning Board/Town Council is required to adopt a statement describing whether the action is consistent with 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 Comprehensive Plan guides the specific property for commercial.*
- Consistency with the Unified Development Code - *The site has been developed in conformance with the UDO.*
- Compatibility with Surrounding Land Uses - *The property considered for rezoning will be compatible with the surrounding land uses.*

Recommendation:

Planning Staff recommend approval of the rezoning, RZ-23-02, with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan, as amended by the rezoning, and other adopted plans, and that the amendment is reasonable and in the public interest.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the October 3, 2023 agenda packet.

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

Mayor Moore asked if this rezoning was an effort by the applicant to bring the use into compliance. Mr. Wensman responded in the affirmative.

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

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

Councilman Barbour made a motion, seconded by Councilman Wood, to approve zoning map amendment, RZ-23-02, finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan as hereby amended, and other adopted plans, and that the amendment is reasonable and in the public interest. Unanimously approved.

- 2. UDO Text Amendment: Town of Smithfield (ZA-23-10)** - The applicant is proposing an amendment to the Unified Development Ordinance, Article 7, Section 7.44, Outdoor Vehicle Storage, Sales and Display to allow for automobile sales display areas to be identified with a perimeter area stripe in-leu of individual striped parking stalls.

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

Planning Director Stephen Wensman explained staff was requesting the Planning Board recommend approval of the following amendments to the Unified Development Ordinance, Article 7, Section 7.44 to allow alternative vehicle striping for car sales display.

Mr. Wensman explained the Town had been in litigation with Deacon Jones and Perfect Ride about parking lot striping requirements. To find a compromise solution that meets both the Town's needs and those of the litigants, the attached draft ordinance was created. The Town currently requires cars on car sales lots to be either within a striped parking stall or within a screened storage yard. One of the purposes of the regulation is to limit the number of cars on the lot to the number that fit within a striped parking lot or screened storage yard. Cars, therefore, cannot be within drive isles, or double parked, block fire and emergency access.

Regulation and control of cars has a positive impact on the aesthetics of the town's commercial corridors, ensures access for emergency services, and limits the overburdening of lots with an excessive number of vehicles. This ordinance will create a third option for automobile sales display and storage. The ordinance will achieve the following:

- The rectangular display areas will hold proportionally the same number of vehicles as if the parking lot were striped in a traditional manner.
- Vehicles within a display box will need to be parked uniformly within the box as if it were striped.
- The display boxes will afford the dealerships the ability to shift vehicles as needed within the box to perpendicular or angled parking to draw the attention of shoppers. It will allow the dealers to spread cars out or park them closer together but limit the number of vehicles within to the number that would fit if striped traditionally.
- The rectangular display areas will be accessed by a drive aisle in a similar manner to traditional striping maintaining clear demarcation of drive aisles for safety.
- The number of vehicles allowed within a box will be marked within the rectangle.
- The display areas will be demarcated by a 4" wide white painted line on all sides.
- Prohibits cars being displayed in parking lot driveway, drive aisle or landscaped areas.

CONSISTENCY STATEMENT:

Staff finds the zoning text amendment as consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.

Recommendation:

Planning Staff recommended zoning text amendment, ZA-23-10, amending Article 7, Section 7.44, to allow alternative vehicle striping for car sales display, finding the amendment consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.

The Planning Board reviewed the draft ordinance and recommended that there be no striping requirement for auto sales lots.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the October 3, 2023 agenda packet.

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

Councilman Wood questioned if this would help control parked cars along the Brightleaf Blvd. corridor. Mr. Wensman responded that any new improvements to a car lot would require paved and striped parking. This ordinance amendment would allow another option for the striped parking lot.

Councilman Barbour stated in section 7.44.3.3 stated: *the square footage of the rectangular display shall not exceed 40% of the square footage of the total outdoor parking area*. He questioned why 40% was chosen. Mr. Wensman responded that was negotiated by the Town Attorney with Deacon Jones and Perfect Ride.

Town Manager Michael Scott stated this issue was part of ongoing litigation among the Town, Deacon Jones and Perfect Ride. All parties agreed on the 40% and there was some urgency to have this amendment adopted by the Council so that Deacon Jones could obtain it certificate of occupancy for their building.

Mayor Moore questioned if striped parking could be eliminated for these businesses. Mr. Wensman cautioned the Council from eliminating striped parking because the Town already has a lot of issues with businesses not maintaining the 24' wide drive way.

Following discussion, it was the consensus of the Council to eliminate the following section:

7.44.3.3. The total square footage of rectangular display areas shall not exceed 40% of the square footage of the total outdoor parking area on the lot, or multiple lots if permitted as such for outdoor sales, display and storage with a valid zoning permit.

Mayor Moore stated there were 2 options: 1) allow striping as the current ordinance allows and 2) allow for rectangular displays, but eliminate the 40% square footage requirement.

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

Planning Board Chairman Mark Lane stated it was the intent of the Planning Board to not require parking lot striping for car displays as long as emergency vehicles have egress and ingress. Customer parking would still require striping.

Town of Smithfield Fire Marshall Blake Holloman explained there was language in the code that discusses public fire access. It was his opinion that the Town have a standard for car lots.

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

Councilman Barbour made a motion, seconded by Mayor Pro-Tem Dunn, to approve zoning text amendment, ZA-23-10, amending Article 7, Section 7.44, with the removal of section 7.44.3.3, to allow alternative vehicle striping for car sales display, finding the amendment consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the

amendment is reasonable and in the public interest.

Councilman Barbour, Mayor Pro-Tem Dunn, Councilman Lee, Councilman Stevens, Councilman Rabil voted in favor of the motion. Councilman Wood voted against the motion. Motion passed 5 to 1.

ORDINANCE # ZA-23-10
AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ARTICLE 7, SECTION 7.44 TO ALLOW AN ALTERNATIVE VEHICLE STRIPING FOR
CAR SALES DISPLAY

WHEREAS, the Smithfield Town Council wishes to amend certain provisions in the Town of Smithfield Unified Development Ordinance by making changes to Unified Development Ordinance Article 7, Section 7.44 as it pertains to outdoor vehicle storage, sales and display.

WHEREAS, it is the objective of the Smithfield Town Council to have the UDO promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;

NOW, THEREFORE, be it ordained that the following Articles are amended to make the following changes set forth in the deletions (strikethroughs) and additions (double underlining) below:

[Amend Article 7, Section 7.44, allowing alternative vehicle striping for car sales display within a rectangular display area.]

PART 1

Sec. 7.44. Outdoor Vehicle Storage, Sales and Display.

7.44.1. [Paved Surface/Storage

All vehicles for stored outside for display, or sale shall be on a paved surface of bituminous, concrete or other approved comparable surface and in a striped parking stall complying with Article 10, Part I, or stored within a paved storage yard screened from the public right-a-way by a durable opaque fence, opaque wall and/or a solid vegetative buffer with a minimum height of six (6) feet.

7.44.1. All such vehicles shall be on a paved surface of bituminous, concrete, or other approved comparable surface.

7.44.2. All such vehicles shall be within a striped parking stall complying with Article 10, Part I, within a rectangular display area in accordance with Section 7.44.3 or stored within a paved storage yard screened from the public right-a-way by a durable opaque fence, opaque wall and a solid vegetative buffer with a minimum height of six (6) feet. 7.44

7.44.3. Rectangular Vehicle Display Areas.

7.44.3.1. Rectangular vehicle display areas shall be outlined on all sides by standard solid 4" wide solid white striping paint in accordance with MUTCD standards.

7.44.3.2. The number of vehicles allowed within a display area shall be limited to the number of standard 9' x 18' parking spaces that can fit within it and that number shall be painted within each rectangle.

7.44.3.3. Vehicles within a display area shall be parked uniformly, either angled or perpendicular to the adjacent access aisle.

7.44.3.4. Each rectangular vehicle display area shall be accessed through a driveway isle extending through the parking lot.

7.44.4. No vehicle stored outside for display or sale shall be parked within a driveway, access aisle or landscaped area.

7.44.5. Vehicle display areas shall be located in an approved parking lot as an alternative to standard 9'x18' striping with aisles as required in Sections 10.2.4 and shall meet all other parking and landscaping requirements as applicable.

PART 2

That the Unified Development Ordinance shall be page numbered and revision dated as necessary to accommodate these changes.

PART 3

That these amendments of the Unified Development Ordinance shall become effective upon adoption.

3. **UDO Text Amendment: Town of Smithfield (ZA-23-11)** - The applicant is proposing an amendment to the Unified Development Ordinance, Article 7, Section 7.30.1, Special Events that will remove the requirement for a temporary use permit for events held in town parks except when there is a planned street closure, or amplified sound after 9PM and 10 PM when associated with the Town Commons Amphitheater.

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

Planning Director Stephen Wensman explained the Parks and Planning Staff were requesting approval of the following amendments to the Unified Development Ordinance, Article 7, Section 7.30.1 to exempt special events in Town parks from temporary use permits except when there is a street closure or amplified sound after 9 PM (10 PM if associated with the Amphitheater).

Temporary use permits are currently required when special events:

- Have amplified sound.
- Have one hundred (100) people or more in attendance.
- Requires closure or blockage of town streets.
- Have food trucks on private property in accordance with Section 7.25.1
- have a likelihood of damage to public or private property, injury to persons, public disturbances or nuisances, unsafe impediments to pedestrian or vehicular travel, or other significant adverse effects upon the public health, safety, or welfare as determined by the Planning Director.

For special events in parks, the organizer already needs approval from the Parks Department to use the facilities and parks by nature are intended for gathering of people, loud noises. The draft ordinance would allow the Parks Department to approve all events within parks, exempting the requirement for a temporary use permit unless the event were to require a street closure or amplified sound after 9 PM (10 PM for the Amphitheater).

CONSISTENCY STATEMENT (STAFF OPINION):

Staff finds the zoning text amendment as consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.

RECOMMENDATION:

Parks and Planning Staff and the Planning Board recommend the Town Council approve the zoning text amendment, ZA-23-11, with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the October 3, 2023 agenda packet.

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

Mayor Pro-Tem Dunn expressed concerns about allowing amplified sound passed 9 pm. Councilman Barbour stated the proposed ordinance did state that any amplified sound passed 9 pm would require permission from the Town Council.

Councilman Lee stated that during the summer months, the daytime is longer so more people tend to stay out a little later.

After some discussion, it was the consensus of the Council to eliminate Sundays from the proposed amended ordinance. All Sunday events would still require Council approval.

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

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

Councilman Barbour made a motion, seconded by Councilman Wood, to approve zoning text amendment, ZA-23-11, amending Article 7, Section 7.30.1 as it pertains to exempting special events in Town parks from temporary use permits except when there is a street closure or amplified sound Monday-Saturday after 9 PM (10 PM if associated with the Amphitheater), finding the amendment consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest. Unanimously approved.

**ORDINANCE # ZA-23-11
AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ARTICLE 7, SECTION 7.30.1 TO EXEMPT CERTAIN SPECIAL EVENTS IN PARKS FROM
TEMPORARY USE PERMITS.**

WHEREAS, the Smithfield Town Council wishes to amend certain provisions in the Town of Smithfield Unified Development Ordinance by making changes to Unified Development Ordinance Article 7, Section 7.30.1 as it pertains to exempting special events in Town parks from temporary use permits except when there is a street closure or amplified sound Monday-Saturday after 9 PM (10 PM if associated with the Amphitheater).

WHEREAS, it is the objective of the Smithfield Town Council to have the UDO promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;

NOW, THEREFORE, be it ordained that the following Articles are amended to make the following changes set forth in the deletions (strikethroughs) and additions (double underlining) below:

[Amend Article 7, Section 30.1, exempting special events in Town parks from temporary use permits except when there is a street closure or amplified sound Monday-Saturday after 9 PM (10 PM if associated with the Amphitheater)]

PART 1

7.30.1. [Special Events.]

Special events requiring temporary use permits approved by the Town Council. The Town Council shall consider the effects of the use on adjacent properties and shall set a specific time limit on such uses:

[7.30.1.1. Reserved.]

7.30.1.2. Events with amplified sound.

7.30.1.3. Events with one hundred (100) people or more in attendance.

7.30.1.4. Events that require closure or blockage of town streets.

7.30.1.5. Events with food trucks on private property in accordance with Section 7.25.1

7.30.1.6. Events that have a likelihood of damage to public or private property, injury to persons, public disturbances or nuisances, unsafe impediments to pedestrian or vehicular travel, or other significant adverse effects upon the public health, safety, or welfare as determined by the Planning Director.

7.30.1.7. Events that occur within Town Parks are exempt from temporary use permits except when there is a planned street closure, or amplified sound Monday-Saturday after 9PM (10 PM if associated with the Town amphitheater).

PART 2

That the Unified Development Ordinance shall be page numbered and revision dated as necessary to accommodate these changes.

PART 3

That these amendments of the Unified Development Ordinance shall become effective upon adoption.

CITIZEN'S COMMENTS:

- Emma Gemmell addressed the Council on a follow-up to the inquiry she made about the water plant expansion project at the last Council meeting.
- Alice Vick expressed concerns about the Police Department and some of its officers and an incident involving her.
- Denis Rangel of 313 South Fourth Street asked the Council if there were any updates on the storm drains adjacent to the property.
- Pam Lampe expressed concerns about the potential Downtown Social District. She stated the Council should development a task force to further investigate this matter.
- Ann Temple provided the Council with some history of Smithfield and Johnston County.
- Stuart Lee informed the Council that urban agriculture was rapidly increasing in Johnston County. He explained there were federal grant opportunities for urban agriculture projects.

CONSENT AGENDA:

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

1. The following minutes were approved:
 - August 29, 2023 – Special Session
 - August 29, 2023 – Closed Session
 - September 5, 2023 – Regular Meeting
 - September 5, 2023 – Closed Session
 - September 13, 2023 – Special Session
 - September 13, 2023 – Closed Session
2. Special Event – End of Season Bash: Approval was granted to allow Bulldog Harley Davidson to hold an event at 1043 Outlet Center Drive on October 14, 2023 from 10:00 am until 4:00 pm. Amplified sound, food trucks and alcohol sales were also approved.
3. Special Event – Day of Awesomeness: Approval was granted to allow the Innovation Academy to hold an event at Smith-Collins Park on October 20, 2023 from 8:00 am until 3:00 pm for its students. Amplified sound and a food truck was also approved.
4. Special Event – Trunk or Treat: Approval was granted to allow First Baptist Church to hold an event in the 400 block of East Johnston Street on October 29, 2023 from 3:00 pm until 6:30 pm. The closure of the 400 block of East Johnston Street was also approved.
5. Special Event – Holiday Kickoff Christmas Bazaar: Approval was granted to allow Terri Bilott of the Twisted

Willow to hold an event in the 100 block of South Third Street on November 11, 2023 from 10:00 am until 4:00 pm. Amplified sound, food trucks and the closure of the 100 block of South Third Street were also approved.

6. Various budget amendments were approved.

	<u>BEFORE</u>	<u>ADJ.</u>	<u>AFTER</u>
<u>GENERAL FUND</u>			
1. Expenditure			
10-10-4110-5300-3306 Non-Departmental - GF Salary Adjustments	\$ 50,000	\$ (17,129)	\$ 32,871
10-10-4110-5300-0770 Non-Departmental - Insurance & Bonds	<u>\$ 125,900</u>	<u>\$ 17,129</u>	<u>\$ 143,029</u>

To fund additional liability insurance cost with remaining and encumbered salary adjustment funds

GENERAL CAPITAL PROJECTS FUND

2. REVENUE			
46-40-3300-3307-0010 Grant - Stormwater ERU/Mapping	<u>\$ -</u>	<u>\$ 500,000</u>	<u>\$ 500,000</u>
Expenditure			
46-40-5900-5700-7401 Stormwater ERU Study	\$ -	\$ 54,907	\$ 54,907
46-40-5900-5700-7402 Stormwater Mapping Study	<u>-</u>	<u>445,093</u>	<u>445,093</u>
	<u>\$ -</u>	<u>\$ 500,000</u>	<u>\$ 500,000</u>

To establish and fund Stormwater Grant for ERU and Mapping Study

7. Approval to bring forward encumbrances from FY 2022-2023 to FY 2023-2024 in the General, Water/Sewer, Electric and JB George Funds

ENCUMBRANCES FROM 2022-2023 TO 2023-2024

GENERAL FUND

		Amount Originally Requested	Amount Encumbered
10-10-4110-5300-3306	Non-Departmental - GF Salary Adjustment	\$ 50,000	\$ 50,000
10-61-4110-5300-5710	Non-Departmental - Economic Development	36,669	36,669
10-61-4110-5300-5712	Non-Departmental - S.H.A.R.P Reimbursements	11,000	11,000
10-61-4110-5300-5716	Non-Departmental - PEG Channel (TriCaster Video Equipment)	10,595	9,852
10-10-4200-5700-7400	Finance Department - Capital Outlay (Chairs/Collection Window)	1,200	1,200
10-10-4300-5300-0800	IT Department - Training & Education (Tech. Dir. at SOG)	3,750	3,750
10-10-4300-5700-7401	IT Department - Capital Outlay (Phone System)	46,701	46,701
10-10-4900-5300-4501	Planning - Service Contracts (Engineering Standards Manual)	35,800	9,915
10-10-4900-5300-4502	Planning - Condemnation	31,775	31,775
10-10-4900-5700-7400	Planning - Capital Outlay	31,665	31,665
10-20-5100-5700-7400	Police - Replace Wrecked Police Vehicle (2020 Dodge Durango)	32,199	32,199
10-30-5600-5300-7300	Streets -Sidewalk & Curb Repair (NCDOT Sidewalk Agreement)	133,000	133,000
10-30-5600-5700-7400	Streets -Capital Outlay (195 Bridge Lighting)	95,000	95,000
10-30-5700-5700-7310	Powell Bill - Patch and Resurface	152,787	116,242
10-40-5800-5700-7400	Sanitation - Capital Outlay (Recycling Truck)	58,500	-
10-40-5900-5300-3310	Storm Water Drainage	55,000	55,000
10-60-6200-5700-4501	Recreation - Service Contracts (Amphitheater Mowing)	5,000	5,000
		<u>\$ 790,641</u>	<u>\$ 668,968</u>

WATER FUND

30-71-7220-5700-7400	Water Dist/Sewer - Capital Outlay (Phone System)	\$ 16,700	\$ 16,700
30-71-7220-5300-5710	Water Dist/Sewer Coll. - Economic Development	298,283	298,283
		<u>\$ 314,983</u>	<u>\$ 314,983</u>

Electric FUND

31-72-7230-5300-5710	Electric - Economic Development	\$ 153,283	\$ 153,283
31-72-7230-5700-7400	Electric - Capital Outlay (Phone System)	16,700	16,700
		<u>\$ 169,983</u>	<u>\$ 169,983</u>

J.B. GEORGE BEAUTIFICATION FUND

40-61-4100-5300-3400	J.B. George Projects	\$ 228	\$ 228
40-61-4100-5300-3410	J.P. George Projects	584	584
		<u>\$ 812</u>	<u>\$ 812</u>

Purchase Orders Encumbrances

G/L ACCOUNT	ACCOUNT DESCRIPTION	DEPARTMENT	VENDOR	PO#	AMOUNT ORIGINALLY REQUESTED	AMOUNT NEEDED
10-10-4100-5300-4501	Service Contracts	Gen Gov	Connection Public Sector	20231659	\$ 7,297.95	\$ 1,150.00
10-20-5300-5300-3100	Vehicle Supplies/Maint.	Fire Dept	Atlantic Coast	20231499	\$ 1,018.43	\$ 1,018.43
10-20-5300-5300-3300	Supplies/Operations	Fire Dept	Heat Transfer Solutions	20231587	\$ 1,526.85	\$ 1,526.85

10-20-5100-5300-1700	Equip. Maint. & Repair	Police Dept	Radiotronics Inc	20231613	\$ 2,998.00	\$ -
10-20-5100-5300-3600	Uniforms	Police Dept	American Uniform Sales Inc	20231712	\$ 675.00	\$ 675.00
10-20-5100-5300-3600	Uniforms	Police Dept	American Uniform Sales Inc	20231713	\$ 675.00	\$ 675.00
10-20-5100-5300-3600	Uniforms	Police Dept	American Uniform Sales Inc	20231715	\$ 675.00	\$ 675.00
10-20-5100-5300-4002	Drug Forfeiture	Police Dept	Ventosa Elite K9 Kennel Inc	20231761	\$ 6,500.00	\$ -
10-20-5100-5300-2900	Professional Fees/Dues	Police Dept	The MAPS Group	20231303	\$ 6,500.00	\$ 6,500.00
10-20-5100-5300-4501	Service Contracts	Police Dept	Connection Public Sector	20231659	\$ 7,297.95	\$ 1,150.00
10-60-5500-5300-3440	Appearance Commission	Gen Services	Barrs Recreation LLC	20231750	\$ 24,747.10	\$ 13,685.20
10-30-5700-5300-3310	Drainage	Powell Bill	Hanson Aggregates Inc	20228964-R1	\$ 1,087.74	\$ 1,087.74
10-30-5700-5300-3300	Supplies/Operations	Powell Bill	Core & Main LP	20228967-R1	\$ 2,900.00	\$ 2,900.00
10-40-5800-5300-3300	Supplies/Operations	Sanitation	Rehrig Pacific Company	20231675	\$ 16,700.00	\$ 10,700.00
10-60-6200-5300-1700	Equip. Maint. & Repair	Parks & Rec	Green Resource LLC	20231752	\$ 2,847.50	\$ 2,847.50
10-60-6200-5300-3300	Supplies/Operations	Parks & Rec	Beacon Athletics LLC	20231768	\$ 3,409.02	\$ 3,409.02
10-60-6200-5700-7400	Capital Outlay	Parks & Rec	Maurer Architecture	20231690	\$ 4,050.00	\$ 4,050.00
10-60-6200-5700-7400	Capital Outlay	Parks & Rec	McAdams	20231772	\$ 37,900.00	\$ 37,900.00
10-60-6220-5300-1700	Equip. Maint. & Repair	Aquatic	ProSource Fitness Equipment	20231753	\$ 549.96	\$ -
10-60-6220-5300-3300	Supplies/Operations	Aquatic	Ready Care Industries	20231557	\$ 720.85	\$ -
10-60-6240-5700-7400	Capital Outlay	Sarah Yard	Gardner Commerical Interiors Inc	20231771	\$ 7,475.85	\$ 7,475.85
					\$ 137,552.20	\$ 97,425.59
30-71-7200-5300-3303	IT Supplies (Water/Sewer)	Water Plant	Dell Marketing LP	20231734	\$ 2,676.24	\$ -
30-71-7200-5300-4501	Service Contracts	Water Plant	Mark Beauchamp/UFS	20231492	\$ 11,170.00	\$ 3,307.50
30-71-7220-5300-3300	Supplies/Operations	Water/Sewer	Core & Main LP	20231663	\$ 1,041.83	\$ -
					\$ 14,888.07	\$ 3,307.50
31-72-7230-5300-3300	Supplies/Operations	Electric	Wesco Receivable Corp	20231649	\$ 6,150.00	\$ 6,150.00
31-72-7230-5300-3300	Supplies/Operations	Electric	J Harlen Co	20231692	\$ 5,769.84	\$ -
31-72-7230-5300-3300	Supplies/Operations	Electric	Wesco Receivable Corp	20231746	\$ 3,795.18	\$ -
31-72-7230-5300-3300	Supplies/Operations	Electric	Border States Industries	20231531	\$ 2,610.00	\$ -
					\$ 18,325.02	\$ 6,150.00
					\$	\$
					\$ 170,765.29	\$ 106,883.09

Total 170,765.29 106,883.09

		Before	Adjustment	After
1. Revenue				
10-00-3900-3900-0000	Fund Balance Appropriation	\$380,265.00	\$766,393.00	\$1,146,658.00
Expenditure				
10-00-4100-5300-4501	General Government - Service Contracts	19,266.00	1,150.00	20,416.00
10-10-4110-5300-3306	Non-Departmental - GF Salary Adjustment (Property/Liability Insur.)	0.00	50,000.00	50,000.00

10-61-4110-5300-5710	Non-Departmental - Economic Development	25,000.00	36,669.00	61,669.00
10-61-4110-5300-5712	Non-Departmental - S.H.A.R.P. Reimb	10,100.00	11,000.00	21,100.00
10-61-4110-5300-5716	Non-Departmental - PEG (Tri-Caster/Video Equip)	25,000.00	9,852.00	34,852.00
10-10-4200-5700-7400	Finance Dept. - Capital Outlay (Collection Window Chairs)	0.00	1,200.00	1,200.00
10-10-4300-5300-0800	IT Dept. - Training and Education (Tech. Dir at SOG)	1,200.00	3,750.00	4,950.00
10-10-4300-5700-7400	IT Dept. - Capital Outlay (Phone System)	49,800.00	46,700.00	96,500.00
10-10-4900-5300-4501	Planning - S.C./Engineering Standards Manual	7,100.00	9,915.00	17,015.00
10-10-4900-5300-4502	Planning - Condemnation	0.00	31,775.00	31,775.00
10-10-4900-5700-7400	Planning - Capital Outlay	0.00	31,665.00	31,665.00
10-20-5100-5300-2900	Police - Professional Fees/Dues	18,570.00	6,500.00	25,070.00
10-20-5100-5300-3600	Police - Uniforms (Lawmens)	33,300.00	2,025.00	35,325.00
10-20-5100-5300-4501	Police - Service Contracts	58,370.00	1,150.00	59,520.00
10-20-5100-5700-7400	Police - Capital Outlay (Replace Wrecked 2020 Dodge Durango)	121,140.00	32,199.00	153,339.00
10-20-5300-5300-3100	Fire - Vehicle Maintenance (Atlantic Coast)	65,000.00	1,018.00	66,018.00
10-20-5300-5300-3300	Fire - Supplies/Operations (Heat Transfer Solutions)	65,000.00	1,527.00	66,527.00
10-60-5500-5300-3440	General Services - Appearance Commission (Barrs Recreation LLC)	15,000.00	13,685.00	28,685.00
10-30-5600-5300-7300	Streets - Sidewalk & Curb Repair (NCDOT Sidewalk Agreement)	25,000.00	133,000.00	158,000.00
10-30-5600-5700-7400	Streets - Capital Outlay (195 Bridge Lighting)	0.00	95,000.00	95,000.00
10-30-5700-5300-3310	Powell Bill - Drainage (Hanson Aggregates Inc)	13,000.00	1,088.00	14,088.00
10-30-5700-5300-3300	Powell Bill - Supplies Operations (Core & Main LP))	15,000.00	2,900.00	17,900.00
10-30-5700-5700-7310	Powell Bill - Patch & Resurface	279,593.00	116,242.00	395,835.00
10-40-5800-5300-3300	Sanitation -Supplies/Operations	50,000.00	10,700.00	60,700.00
10-40-5900-5300-3310	Stormwater - Drainage	68,930.00	55,000.00	123,930.00
10-60-6200-5300-1700	Parks & Rec - Equip. Repair & Maint.	69,050.00	2,848.00	71,898.00
10-60-6200-5300-3300	Parks & Rec - Supplies/Operations	77,000.00	3,409.00	80,409.00
10-60-6200-5300-4501	Parks & Rec - Service Contracts (Amphitheater Mowing))	106,820.00	5,000.00	111,820.00
10-60-6200-5700-7400	Parks & Rec - Capital Outlay (McAdams/Maurer Architecture)	173,885.00	41,950.00	215,835.00
10-60-6240-5700-7400	SRAC - Generator Fuel/Maintenance (Powersecure Inc)	0.00	7,476.00	7,476.00
			0.00	0.00
		<u>\$1,392,124.00</u>	<u>\$766,393.00</u>	<u>\$2,158,517.00</u>

To bring forward encumbrances from the 2022-2023 General Fund Budget to FY23-24. P.O.s were brought forward through Rollover Process.

2. Revenue

30-71-3900-3900-0000	Fund Balance Appropriation	<u>\$0.00</u>	<u>\$318,291.00</u>	<u>\$318,291.00</u>
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Expenditures

30-71-7200-5300-4501	Water Plant - Service Contracts	339,800.00	3,308.00	343,108.00
30-71-7220-5700-7400	Water Dist/Sewer Coll - Supplies/Operations	155,000.00	16,700.00	171,700.00
30-71-7220-5300-5710	Water Dist/Sewer - Capital Outlay (Phone System)	0.00	298,283.00	298,283.00
	Water Dist/Sewer Coll. - Economic Development	<u>\$494,800.00</u>	<u>\$318,291.00</u>	<u>\$813,091.00</u>

To bring forward encumbrances from the 2022-2023 Water/Sewer Fund Budget to FY23-24. P.O.s were brought forward through Rollover Process.

3. Revenue

31-72-3900-3900-0000	Fund Balance Appropriation	<u>\$50,000.00</u>	<u>\$176,133.00</u>	<u>\$226,133.00</u>
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Expenditures

31-72-7230-5300-3300	Electric - Supplies/Operations	\$325,000.00	\$6,150.00	\$331,150.00
31-72-7230-5300-5710	Electric - Economic Development	0.00	153,283.00	153,283.00
31-72-7230-5700-7400	Electric - Capital Outlay (Phone System)	0.00	16,700.00	16,700.00
		<u>\$325,000.00</u>	<u>\$176,133.00</u>	<u>\$501,133.00</u>

To bring forward encumbrances from the 2022-2023 Electric Fund Budget to FY23-24. P.O.s were brought forward through Rollover Process.

4. Revenue

40-61-3900-3900-0000 Fund Balance Appropriation \$0.00 \$812.00 \$812.00

Expenditures

40-61-4100-5300-3400 J.B. George Projects 2,300.00 228.00 2,528.00
40-61-4100-5300-3410 J.P. George Projects 500.00 584.00 1,084.00
\$2,800.00 \$812.00 \$3,612.00

To bring forward encumbrances from the 2022-2023 J.B. George Fund Budget to FY23-24

- 8. Approval to accept two North Carolina Land and Water Fund Grants
9. Bid was awarded to Dun-Right Services for manhole rehabilitation.
10. Resolution No. 739 (22-2023) was adopted appointing Dr. David Barbour to the Downtown Smithfield Development Corporation Board of Directors

TOWN OF SMITHFIELD
RESOLUTION NO. 739 (22-2023)
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 Dr. David Barbour; 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 Dr. David Barbour to the Downtown Smithfield Development Corporation's Board of Directors.

11. New Hire Report

Table with 4 columns: Recently Hired, Department, Budget Line, Rate of Pay. Rows include Deputy Police Chief, Equipment Operator, Police Officer II, P/T SRAC Staff - General, and Utility Line Mechanic.

Table with 3 columns: Current Vacancies, Department, Budget Line. Rows include Facility Maintenance Specialist, Police Officer, Sanitation Equipment Operator, and Utility Line Mechanic.

12. Proclamation: Recognizing November 1, 2023 as National Family Literacy Day in the Town of Smithfield

Proclamation
Recognizing November 1, 2023
As National Family Literacy Day in the
Town of Smithfield

WHEREAS, National Family Literacy Day, established by the 103rd Congress in 1994, and now marking its 29th anniversary on November 1, 2023, highlights the importance of reading and learning for the entire family and emphasizes the impact that parents have on their child's learning; and

WHEREAS, this day is celebrated across America each year, and focuses on special activities and events that showcase the importance of family literacy programs that empower families and build a nation of readers; and

WHEREAS, literacy programs across the United States will observe National Family Literacy Day by holding read-a-thons, book drives, workshops, and family activities at schools, libraries, and community centers to encourage literacy; and

WHEREAS, *as many as one in six adults struggle with reading and writing*, and by learning to read, individuals can gain self-respect and confidence and strive toward goals that otherwise would not be achievable; and

WHEREAS, the National Society of the Daughters of the American Revolution is a nonprofit, nonpolitical volunteer women's service organization dedicated to promoting patriotism, preserving American history, and securing America's future through better education for children and adults; and

WHEREAS, education being one of the cornerstones of the National Society of the Daughters of the American Revolution, is committed to increasing literacy by promoting and supporting literacy programs.

NOW, THEREFORE, I, M. Andy Moore, Mayor of the Town of Smithfield do hereby proclaim November 1, 2023 as

NATIONAL FAMILY LITERACY DAY

To underscore the importance of literacy, celebrate the joy of reading, encourage residents to promote literacy by reading together as a family, and to extend deep appreciation to our local librarians, educators, and literacy service providers for their tireless efforts to strengthen the literacy of our children and our community.

BUSINESS ITEMS:

1. Consideration and request for approval to award a bid to LJB, Inc. in the amount of \$171,380 for Phase 2 of the CSX/ I-95 construction project

Town Engineer Bill Dreitzler explained in June of 2022, the Council approved an engineering contract with LJB, inc. for the engineering and permitting phase of the proposed CSX Culvert replacement project located behind 1517 S Brightleaf Boulevard. The design scope of work included a Hydrologic and Hydraulic Analysis to assure the additional culverts (twin 48-inch) would not have an adverse impact on downstream properties. The analysis indicated a rise in flood levels in the area between the CSX railroad and I-95 with the installation of the additional culverts. The recommendation is a new parallel 72-inch pipe that will run under Wal-Pat Road, I-95 and Whitley Farms Road. After an assessment of the cost of the amended engineering scope and construction scope, additional State funding was requested.

The additional funding was currently in the State budget and therefore staff was presenting the LJB, inc. fee agreement to move forward with design and permitting of the 72-inch culvert. The Town received \$950,000 in grant funding through the North Carolina Department of Public Safety for the CSX Culvert Improvement Project. The appropriation included in the new budget includes an additional \$1.1M for this project for a total project budget of \$2,050,000. The engineering design and hydraulic analysis for the CSX Culvert portion of the scope was approved as a lump sum fee in the amount of \$193,700. The lump sum fee for engineering and permitting of the I-95 72-inch culvert is \$171,380. Therefore, the total engineering and permitting cost is \$365,080 leaving \$1,684,920 for construction.

LJB, inc. was selected following the requirements of the mini-brooks act for the CSX Culvert engineering and permitting. Given the scope of services included a Hydrologic and Hydraulic Analysis to assure no adverse downstream impacts from the proposed project, the fee agreement for the I-95 culvert is considered a change in scope and was directly negotiated with LJB, inc. Based on staff review of the H&H Analysis, the proposed twin 48-inch culverts cannot be installed without creating an adverse impact on downstream properties without additional mitigation efforts. Staff concurs that the proposed parallel 72-inch culvert under I-95 will allow floodwaters to reach areas just upstream of the Neuse River and mitigate any potential downstream impacts to existing properties.

Councilman Barbour made a motion, seconded by Councilman Wood, to award a contract to LJB, Inc. in the amount of \$171,380 for the engineering and permitting of the I-95 72-inch culvert. Unanimously approved.

2. Consideration and request for approval to adopt Ordinance No. 519-2023 amending the Town of Smithfield's Code of Ordinances Part II- Chapter 11, Article II, Noise

Planning Director Stephen Wensman explained this was the same issue previously discussed during Public Hearing number 3. This Code of Ordinance amendment would coincide with the UDO amendment adopted earlier in the meeting.

Councilman Barbour made a motion, seconded by Councilman Wood, to adopt Ordinance No. 519-2023 amending the Town of Smithfield's Code of Ordinances Part II- Chapter 11, Article II, Noise. Unanimously approved.

Ordinance No. 519-2023

AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD CODE OF ORDINANCES PART II - CHAPTER 11, ARTICLE II, NOISE

WHEREAS, Part II, Chapter 11, Article II of the Town of Smithfield's Code of Ordinances outlines the regulations concerning noise within the Town; and

WHEREAS, the Planning Director Stephen Wensman, is requesting the Ordinance be amended as it pertains to allowing the Town Manager or his designee to permit amplified sound as an exception to prohibited noise when associated with musical programs, speeches or general entertainment in Town Parks or at the Town Commons Amphitheater.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Smithfield that Part II, Chapter 11, Article II - Noise:

PART I

[Revise Part II, Chapter 11, Section 11-32 (b) (4) to allow the Town Manager or his designee to permit amplified sound as an exception to prohibited noise when associated with musical programs, speeches or general entertainment in Town parks and at the Town Commons Amphitheater]

ARTICLE II. NOISE

Sec. 11-31. Definitions.

[For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:]

Emergency work means any work performed for the purposes of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.

Nighttime means between 11:00 p.m. and 8:00 a.m.

Outdoor amplified sound means any sound using amplifying equipment whose sound is outside or whose source is inside and the sound propagates to the outside through open doors or windows or other openings in the building.

Sound amplifying equipment means any device for the amplification of the human voice, music, or any other sound including juke boxes, stereos and radios.

(Ord. of 4-12-94(1))

Sec. 11-32. Noises prohibited; nuisances.

(a) General prohibitions. It shall be unlawful to create, cause, or allow the continuance of any unreasonably loud, disturbing, unusual, frightening or unnecessary noise, particularly during nighttime, which seriously interferes with neighboring residents' reasonable use of their properties. Such noise may include, but is not limited to, the following:

- (1) Yelling, shouting, whistling, or singing. Yelling, shouting, whistling, or singing on the public streets or private property at nighttime.
 - (2) Noisy parties. Congregating because of, or participating in any part of, gathering of people, during nighttime.
 - (3) Loading operations. Loading, unloading, opening or otherwise handling boxes, crates, containers, garbage cans, or other similar objects during nighttime.
 - (4) Repair of motor vehicles. The repair, rebuilding, or testing of any motor vehicle during nighttime.
 - (5) Radio, phonograph, television, or musical instrument. The playing of any radio, phonograph, musical instrument, television, or any such device, particularly during nighttime.
- (b) Specific prohibitions. The following acts are prohibited and shall be considered nuisance acts:
- (1) Horns and signaling devices. The intentional sounding of any horn or signaling device of a motor vehicle on any street or public place continuously or intermittently, except as a danger or emergency warning.
 - (2) Motor vehicles. Operating or permitting the operation of any motor vehicle or motorcycle not equipped with a muffler or other device in good working order so as to effectively prevent loud or explosive noises therefrom.
 - (3) Exterior loud speakers. Operating or permitting the operation of any mechanical device or loudspeaker, without permit to do so, in a fixed or movable position exterior to any building, or any motor vehicle.
 - (4) Amplified sound. The use or operation of any radio, loud speaker, or any other instrument, or sound amplifying devices within a building or on a motor vehicle in a manner that disrupts or interferes unnecessarily with an individual's enjoyment of their property. The town council, however, may permit musical programs, speeches, or general entertainment as exception to this provision for limited time periods, and The Town Manager or his designed may permit musical programs, speeches, or general entertainment as exception to this provision for limited time periods Monday-Saturday, no later than 9 PM when the events are within Town Parks or no later than 10 PM when associated with the Town Commons Amphitheater.
 - (5) Power equipment. Operating or permitting the operation of any power saw, sander, drill, grinder, leaf blower, lawn mower, street sweeper or other garden equipment, or tools of a similar nature, outdoors, during nighttime.
 - (6) Explosives. The use or firing of explosives, firearms, fireworks, or similar device which create impulsive sounds.
 - (7) Security alarms. The sounding of a security alarm, for more than twenty (20) minutes after being notified by law enforcement personnel.

(Ord. of 4-12-94(1))

PART 2

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

3. Consideration and request for approval to create a new position (Community Service Aid) in the Police Department

Chief of Police Pete Hedrick addressed the Council on a request to create a new position in the Police Department. Chief Hedrick explained the state recently authorized the use of civilian personnel to work motor vehicle accidents where there were no injuries. The Police Department averages approximately 70 motor vehicle accidents a month. Of those, only 16 accidents related in injuries. Authorizing the creation and hiring of a Community Service Aid would free police officers from working minor accidents.

Councilman Barbour questioned the type of certification or training needed for this position. Chief Hedrick responded the state would require a person to complete and pass a training course.

Mayor Moore questioned the impact on the budget this new position would create. Town Manager Michael Scott responded there would be no impact to this budget because of the number of vacant positions. Mayor Moore stated that if the Police Department was fully staffed, then this salary would impact the budget. Chief Hedrick responded in the affirmative.

Councilman Barbour made a motion, seconded by Councilman Wood, to approve the creation and hiring of a Community Safety Aid. Unanimously approved.

4. Discussion concerning the FY 2023-2024 Resurfacing Project

Town Manager Michael Scott stated this item was added to the agenda at the direction of the Council.

Public Works Director Lawrence Davis explained that in 2022, 14 streets were repaved. In 2023, there was not enough money in the Powell Bill Fund to complete the major resurfacing project on Outlet Center Drive. Currently estimates for the Outlet Center Drive Project were over \$700,000. Mr. Davis provided a listing of proposed streets to be resurfaced.

It was the consensus of the Council to focus on repaving residential streets as opposed to Outlet Center Drive. He suggested the Town contact its State Representatives to request funding for Outlet Center Drive.

Councilman Barbour stated that Outlet Center Drive was a major economic area of the Town and it was in desperate need of repair.

Mayor Pro-Tem Dunn questioned if the street resurfacing project could be completed quickly during the fall/winter months. The Town Manager responded that staff was uncertain because the project has to be to bid out. If the Council does not hold a special meeting to discuss this issue, then the resurfacing contract would not be approved until November. He suggested that the Council authorize the Town Manager to accept the low responsible bidder so the project can begin immediately following bid acceptance.

Councilman Lee questioned how the residential streets in need of repair were chosen. Mr. Davis responded the streets were chosen based on the 2017 road condition study. After looking at current road conditions, Mr. Davis explained there were several streets that were in worse conditions so he substituted those streets for others on the list.

Councilman Stevens made a motion, seconded by Councilman Rabil, to allow the Town Manager to accept the low responsible bid for the resurfacing project based on the list of proposed residential streets provided to the Council as long as it is within budget. Councilman Stevens, Councilman Rabil, Mayor Pro-Tem Dunn, Councilman Barbour, Councilman Wood and Councilman Rabil voted in favor of the motion. Councilman Lee voted against the motion. Motion passed 5 to 1.

Councilmembers Comments:

- Councilman Lee informed the Council of an incident involving himself and a former employee that was trying to get rehired by the Town. He explained there was information shared with this former employee regarding why he would not be rehired. Councilman Lee informed the Council of the passing of Mr. Jackie Bryant. Mr. Bryant was an icon and a supporter of Parks and Recreation in the Town. He suggested renaming the Fun In the Park event to honor Mr. Bryant. Councilman Lee questioned when the concession stand sign at Smith-Collins Park was going to be replaced.
- Councilman Stevens expressed his appreciation to Representative Strickland and Senator Sawry who worked hard to secure \$6 million for the Town.
- Councilman Barbour reminded the Council on the Third Annual Drone Fly In event
- Councilman Wood reiterated the comments made by Councilman Lee concerning Jackie Bryant and would like for the Town to honor Mr. Bryant in some way.
- Mayor Pro-Tem Dunn reiterated the comments made by Councilman Stevens and expressed his appreciation to Representative Strickland and Senator Sawry.
- Mayor Moore echoed the comments made by Mayor Pro-Tem Dunn and Councilman Stevens and expressed his appreciation to Representative Strickland and Senator Sawry. He reminded the public of the many events taking place in Smithfield. Also, Trick or Treating would be on October 31st from 5 pm until 8 pm.

Town Manager's Report:

Town Manager Michael Scott informed the Council that a member of the Council was needed for the Economic Development Committee. Mayor Pro-Tem Dunn volunteered to serve on the committee.

Adjourn

Councilman Barbour made a motion, seconded by Councilman Rabil, to adjourn the meeting. The meeting adjourned at approximately 10:05 pm.

M. Andy Moore
M. Andy Moore, Mayor



ATTEST:
Shannan L. Parrish
Shannan L. Parrish, Town Clerk