

The Smithfield Town Council met in regular session on Tuesday, July 16, 2024 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:

Roger Wood, Mayor Pro-Tem
Sloan Stevens, District 2
John Dunn, At-Large
Stephen Rabil, At-Large

Councilmen Absent

Marlon Lee, District 1
Travis Scott, District 3
Dr. David Barbour, District 4

Administrative Staff Present

Michael Scott, Town Manager
Ted Credle, Public Utilities Director
Jeremey Daughtry, Fire Chief
Lawrence Davis, Public Works Director
Andrew Harris, Finance Director
Pete Hedrick, Chief of Police
Gary Johnson, Parks & Rec Director
Shannan Parrish, Town Clerk
Stephen Wensman, Planning Director

Also Present

Michael Carter, 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 Dunn followed by the Pledge of Allegiance.

Approval of the Agenda

Mayor Pro-Tem Wood made a motion, seconded by Councilman Stevens, to approve the agenda with the following changes:

Remove from the Public Hearings

2. **Unified Development Ordinance Amendment – Multifamily in the B-3 Amendment (ZA-24-02)**: Planning Staff are requesting an amendment to the Unified Development Ordinance, Article 6, Section 6.6 Table of Uses and Activities to remove the multi-family land use from the B-3 Zoning District entirely.

Add to the Consent Agenda

1. Special Event: Too Broke for Sturgis – Bulldog Harley-Davidson is requesting to hold an event at 1043 Outlet Center Drive on August 10, 2024 from 11:00 am until 3:00 pm. This request includes amplified sound, a food truck, merchandise for sale and free beer.
2. Consideration and request for approval to award a bid in the amount of \$257,760 to Ilderton Dodge (State Sheriff's Contract) for the purchase 6 vehicles for the School Resource Officers.

Add to the Business Items

2. Discussion on a Social District in the Downtown area.

Unanimously approved.

Public Hearings:

1. **Rezoning Request – 400 Brightleaf (RZ-24-06)**: David Dupree of Market Street Investments is requesting the rezoning of 3 parcels: a .89-acre parcel (Johnston County Tax ID 15015033) in the O/I-Office Institutional Zoning District, a .15-acre (Johnston County Tax ID 15016033) and .14-acre parcel (Johnston County Tax ID 15016032) in the R-6-High Density Single, Two and Multi-family Zoning District to the B-3-Highway Entranceway Business Zoning District

Mayor Pro-Tem Wood made a motion, seconded by Councilman Dunn, to open the public hearing. Unanimously approved.

Planning Director Stephen Wensman presented a rezoning request for the southeast corner of North Brightleaf and Hancock Street, covering three parcels. The property, surrounded by various zoning districts, was guided for medium-density residential use by the comprehensive plan. However, due to the site's difficult shape and existing conditions, staff believed a B-3 zoning was most feasible.

The residential property to the east, owned by Walgreens, was unlikely to develop residentially. Past council actions vacated a street crossing the property, leaving a utility easement in place. The site's development would be challenging due to setbacks and access limitations.

Staff supported the rezoning, considering it consistent with the comprehensive management plan and compatible with surrounding land uses. They recommended approval of rezoning RZ 2406,

declaring it consistent with the town's growth management plan and in the public interest.

Mayor Moore asked if there were any questions from the Council

Councilman Stevens questioned if there was a plan for this property thus the reason for the rezoning. Mr. Wensman responded he was aware there was interest in this property as a commercial development, but he was unsure of the specifics of the use.

Mayor Moore stated the Council closed the road several years ago to allow for that property to be developed. He was also interested in the proposed use.

Councilman Stevens expressed concerns about rezoning the property. He emphasized the need to ensure commercial zoning remains intact to prevent becoming a bedroom community.

Mayor Moore asked if the applicant could request a conditional use for the rezoning. Mr. Wensman responded that while it was possible, the applicant was selling the property to someone else for development. Wensman believed the development would be commercial, but could not confirm it.

Mayor Moore acknowledged Councilman Stevens' concerns, referencing a recent presentation on economic development warning against converting commercial areas into residential ones, which can turn communities into bedroom communities without supporting retail or commercial infrastructure.

Councilman Stevens shared insights from a book on growth, highlighting that residential developments typically cost more in services than they generate in tax revenue, unlike commercial developments which are more cost-effective for the town. He emphasized caution with B-3 zoning, noting that although the current plan might be commercial, changes could lead to unintended residential developments, stressing the need for careful consideration.

Councilman Dunn acknowledged concerns about what is allowed in B-3 and suggested holding off on further developments until the council could clearly define their intentions for the district. Although he recognized the potential inconvenience for the property owner, he proposed tabling the decision until the next meeting to refine their plans for the B-3 district.

Mayor Andy Moore inquired about what residential types could be included in B-3 zoning. Mr. Wensman explained that multifamily options like townhouses, apartments, or condos could be developed within a B-3 district with a special use permit.

Mr. Wensman clarified that all discussions he had heard regarding the site indicated a commercial use, with no residential use proposed, despite the comprehensive plan's designation for residential.

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

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

Councilman Dunn made a motion, seconded by Councilman Stevens, to table a decision on Rezoning Request – 400 Brightleaf (RZ-24-06) until the August 13, 2024 Town Council Meeting. Unanimously approved.

Citizens Comments

- Luke Stancil of 301 Church Street addressed the Council on a tree that recently fell on his house. He explained he noticed a dead tree on the town side of the sidewalk, posing a safety risk. Despite calling the town five times, only a contracted surveyor confirmed the danger. The tree was scheduled to be removed on Saturday, but unfortunately fell on his house Friday night. He thanked Councilman Stevens and Public Works Director Lawrence for their help. He emphasized the need for prompt action on safety issues to protect our community

Consent Agenda

Councilman Dunn made a motion, seconded by Mayor Pro-Tem Wood, to approve the item listed on the consent agenda. Unanimously approved.

1. Special Event: Too Broke for Sturgis: Approval was granted to allow the Bulldog's Harley - Davidson to hold an event at 1043 Outlet Center Drive on Thursday, April 11, 2024 from 5:00pm until 8:00 pm. Also approved was amplified sound, a food truck, merchandise for sale and free beer.
2. Approval was granted to award a bid in the amount of \$257,760 to Ilderton Dodge (utilizing the State Sheriff Contract) for the purchase of six vehicles for the school resource officers.

Business Items:

1. **Consideration and request for approval to amend the Fee Schedule due to the increase in landfill tipping fees by Johnston County**

Town Manager Michael Scott requested the Council to consider the increase in sanitation fees by

34 cents per month per customer, totaling \$4.08 per year. This adjustment was needed due to Johnston County's solid waste tipping fee increase of \$3 per ton, effective June 25. To align with the budget and fee schedule, staff calculated that this increase would generate approximately \$16,747 annually. The new fee would increase from \$18.21 to \$18.55 per month, starting with the first billing period in August to match the county's fee increase.

Mayor Moore questioned why the County waited so long to increase these fees. The Town Manager responded he was uncertain as to why they chose to increase the fees so late in the budget process.

Mayor Pro-Tem Wood made a motion, seconded by Councilman Dunn, to approve the amended FY 2024-2025 Fee Schedule due to increased tipping fees by Johnston County. Unanimously approved.

2. Discussion on a Social District in the Downtown area

Councilman Stevens recapped a productive meeting with the Downtown Smithfield Development Corporation (DSDC), highlighting strong communication and ongoing dialogue. He noted the DSDC board's support for establishing a social district and the need to pass this initiative. He mentioned suggestions from other Council members to shorten the timeframe and map of the social district, which he supported.

He expressed concern over businesses leaving town during a period of growth and emphasized the importance of leveraging both residential and commercial development. He urged the Council to take action to support downtown businesses, attract visitors, and revitalize the area, warning against complacency and the consequences of inaction. He emphasized the need to make changes to avoid stagnation and to attract a younger crowd and new investments.

Mayor Pro-Tem Wood recalled a discussion from the previous week, where Councilman Dunn suggested starting small with the social district as a sample size. They agreed to test it from Wednesday through Saturday. Mayor Pro-Tem Wood was hesitant about crossing Market Street at this stage.

Councilman Stevens acknowledged the historical issues impacting downtown, particularly due to Highway 70 and DOT priorities. He understood the safety concerns of crossing the highway but felt it would be unfair to exclude restaurants on the other side.

Councilman Dunn emphasized the importance of fairness to all businesses and proposed not limiting the social district to one side of the road. He questioned the feasibility of extending the district in the future if new businesses emerged. The discussion touched on the necessity of state approval and potential challenges in adjusting the district's boundaries later.

Town Manager Michael Scott explained that creating the social district would involve an ordinance and a corresponding map, both of which would need state approval. Councilman Dunn expressed a desire to avoid unnecessary work while also not wanting to open up the district too broadly.

The Town Manager mentioned a DSDC meeting where they discussed making the proposal more amenable to the council by potentially reducing the size, hours, and days of the social district. The goal was to start the initiative to attract more businesses downtown, addressing the issue of restaurants and retail leaving the area. He emphasized the need for a vibrant nightlife to retain and attract businesses.

Mayor Moore noted that towns like Clayton and Benson had recently approved social districts. The Town Manager provided details about Benson's social district schedule.

Councilman Stevens proposed adjustments to the map, suggesting the removal of North Second and North Third Streets from the district while including areas around Little Brown Jug and the Amphitheater. He suggested a more focused district and was open to discussing the hours of operation.

Councilman Stevens emphasized the need to support local businesses fully, acknowledging that this might upset some people. Mayor Pro-Tem Wood agreed with excluding North Second and Third Streets from the social district and supported the Wednesday through Saturday schedule. He also agreed with the Wednesday through Saturday schedule and suggested being cautious about including Sundays.

Mayor Pro-Tem Wood recommended the social district operate from Wednesday to Saturday, with hours from 3 PM to 10 PM, and proposed starting earlier on Saturdays at 12 PM to attract more business.

Councilman Stevens echoed the sentiment from DSTC members about the town's reputation for being hard to work with and emphasized the need for change. The proposed dimensions for the social district were agreed upon, excluding North Second and North Third Streets, and extending only to the edge of the Little Brown Jug parking lot.

The timeframe was set for Wednesday through Saturday, from 3 PM to 10 PM on weekdays, and starting at 12 PM on Saturdays. There was agreement on these hours and days as a good starting point, with the understanding that any changes would require state approval.

The discussion also touched on current Sunday operations in downtown, noting that some restaurants and shops, like Twisted Willow and the movie theater, were open with reduced hours. It was agreed that the social district could be revisited and adjusted as needed after six months, with the option to revoke it if it caused issues.

Mayor Moore apologized for missing the joint meeting due to family health issues. He acknowledged the importance of downtown development as a crucial part of the community, emphasizing that this period was pivotal for downtown Smithfield. He viewed the challenge of revitalizing downtown as a significant opportunity, particularly with 2,500 new homes planned, to attract businesses and extend operating hours past five o'clock.

Councilman Stevens emphasized that the government's role was to provide opportunities for businesses to invest and succeed.

Mayor Pro-Tem Wood reflected on the initial wide-scale approach to the social district, which led to sticker shock. He supported a smaller footprint with reduced hours and days as a good start, particularly avoiding crossing to the library and cutting down North Second Street. He emphasized that the police would need to maintain the contained area.

Councilman Stevens asked for clarification on whether the statute was based on the state statute or a local version. The Town Manager responded that the ordinance was the Town's ordinance but the additional language was taken directly from the state statute.

Councilman Rabil expressed concerns about the town's liability related to the social district. Town Attorney Michael Carter responded, explaining that the liability would be on the business that held the ABC license and not the Town.

Mayor Moore asked Chief Hedrick if he saw any issues from a law enforcement standpoint on the social district. Chief Hedrick responded he did not believe the social district would create any issues.

Mayor Andy Moore emphasized the flexibility to either retract or expand the initiative based on its success.

Councilman Dunn expressed hope that the social district would support downtown businesses and attract more activity, suggesting that hours and days could be extended if the initiative proved manageable.

Councilman Stevens made a motion, seconded by Councilman Dunn, to adopt Ordinance No. 518-2023 whereby creating a social district with the following hours and boundaries:

Hours: Wednesday to Friday – 3:00 pm until 10:00 pm
Saturday – 12:00 pm until 10:00 pm

Boundaries: North and South Sides of Market Street from Front Street to Fourth Street.
North Front Street will only include the Little Brown Jug property & parking lot
South Front Street – Market Street to Johnston Street (to include the Amphitheater)
South Third Street – Market Street to Johnston Street

Unanimously approved.

Other Comments:

Mayor Andy Moore thanked the electric department, police and fire departments for their swift response to an incident on North Second Street where a driver knocked down utility poles, causing a power outage for 600-700 people. Despite confusion among residents from different areas, the staff managed to restore power quickly, which was crucial given the hot temperatures. Mayor Moore expressed pride in the town staff for their efficient work, noting it made his job easier.

Town Manager Michael Scott reminded everyone about the National Night Out event on August 6th at Johnston Community College and announced that the next council meeting would be held on August 13th at 7 pm due to the event.

Adjourn

Mayor Pro-Tem Wood made a motion, seconded by Councilman Dunn, to adjourn the meeting. The meeting adjourned at approximately 8:10 pm.

ATTEST:


Shannan L. Parrish, Town Clerk




M. Andy Moore, Mayor