



Mayor

M. Andy Moore

Mayor Pro-Tem

John A. Dunn

Council Members

Marlon Lee

David Stevens

Travis Scott

David Barbour

Stephen Rabil

Roger A. Wood

Town Attorney

Robert Spence, Jr.

Town Manager

Michael L. Scott

Finance Director

Greg Siler

Town Clerk

Shannan Parrish

## Town Council

## Agenda

## Packet

Meeting Date: Tuesday, December 7, 2021

Meeting Time: 7:00 p.m.

Meeting Place: Town Hall Council Chambers

350 East Market Street

Smithfield, NC 27577





**TOWN OF SMITHFIELD  
TOWN COUNCIL AGENDA  
REGULAR MEETING DECEMBER 7, 2021  
7:00 PM**

Call to Order

Invocation

Pledge of Allegiance

Approval of Agenda

Page

Presentation:

1. Proclamation: Honoring **Jonathan "Jon" Moore's 20+** years of service to the Town of Smithfield  
(Mayor – M. Andy Moore) See attached information.....1
2. Administering Oath of Office to new Police Officer Anthony Moss  
(Mayor – M. Andy Moore) See attached information.....3
3. Fiscal Year 2020-2021 Annual Audit Report  
(Mayor – M. Andy Moore) See attached information.....5

Public Hearings:

1. RZ-21-03 Thomas Moyer: The applicant is requesting to rezone two parcels of land totaling approximately 1.31 acres from the R-10 (Residential) to the R-8 (Residential) zoning district. The properties considered for approval are located on the northeast side of the intersection of White Oak Drive and Azalea Drive and further identified as Johnston County Tax ID# 14056027B and 14056012.  
(Planning Director – Stephen Wensman) See attached information.....19
2. CZ-21-10 Harvest Run: The applicant is requesting conditional rezoning of two parcels of land totaling 45.6 acres from the R-20A (Residential-Agricultural) zoning district to the R-8 CZ (Conditional Zoning) district for the construction of a 165-lot residential development. The properties considered for approval are located on the north side of NC Hwy 210 approximately 200 feet west of its intersection with Skyland Drive and further identified as Johnston County Tax ID# 15077017 and 15077009  
(Planning Director – Stephen Wensman) See attached information.....51

- 3. S-21-07 Harvest Run: The applicant is requesting preliminary subdivision approval of a 165-lot residential subdivision on property located within an R-8 CZ (Residential-Conditional Zoning) district. The properties considered for approval are located on the north side of NC Hwy 210 approximately 200 feet west of its intersection with Skyland Drive and further identified as Johnston County Tax ID# 15077017 and 15077009  
(Planning Director – Stephen Wensman) See attached information.....67
  
- 4. CZ-21-11 Franklin Townes: The applicant is requesting conditional rezoning of one parcel of land totaling 15.9 acres from the R-20A (Residential-Agricultural) and R-8 (Residential) zoning district to the R-8 CZ (Conditional Zoning) district for the construction of a 134-lot residential development. The property considered for **approval is located on the southeast side of the intersection of Wilson’s Mills Road and M. Durwood Stephenson Parkway** and further identified as Johnston County Tax ID# 15083049E  
(Planning Director – Stephen Wensman) See attached information.....81
  
- 5. ZA-21-07 Town of Smithfield: The Town of Smithfield is requesting an amendment to Article 3 of the Unified Development Ordinance that will revise ethical standards for greater consistency with (G.S. 14-234 (al) (4) and (G.S. 160D-109).  
(Planning Director – Stephen Wensman) See attached information.....97

Citizens Comments

Consent Agenda Items:

- 1. Approval of Minutes:
  - a. November 9, 2021 – Regular Meeting
  - b. November 9, 2021 – Closed Session (Under Separate Cover).....107
  
- 2. Consideration and request for approval to promote a Police Officer II to the rank of Master Police Officer  
(Chief of Police – R. Keith Powell) See attached information.....127
  
- 3. Consideration and request for approval to allocate \$22,929.20 to the Public Library of Johnston County and Smithfield for the installation of a new HVAC system  
(Town Manager – Michael Scott) See attached information.....141
  
- 4. Board Appointments
  - a. Carmen Zepp has submitted an application for consideration to be appointed to serve a first term on the Appearance Commission
  
  - b. Mark Lane has submitted an application for consideration to be reappointed for a fifth term on the Board of Adjustment and the Planning Board representing the Extraterritorial Jurisdiction (ETJ)  
(Town Clerk – Shannan Parrish) See attached information.....155

5. New Hire Report  
 (HR Director/ PIO – Tim Kerigan) See attached information.....161

Business Items:

1. Annexation Request – Twin Creeks Phase 1A (ANX 21-02): Navaho Development LLC has submitted a petition for voluntary noncontiguous annexation of 1.61 acres into the Town of Smithfield. The request also includes adoption of Resolution No. 690 (18-2021) setting the date of the public hearing  
 (Planning Director – Stephen Wensman) See attached information.....163

2. Consideration and request for approval to adopt a Cash Management Policy and an Investment Policy. The request also includes adoption of Resolution No. 691 (19-2021)  
 (Finance Director – Greg Siler) See attached information.....183

3. Consideration and request for approval to adopt the 2022 Town Council Regular Meeting Schedule  
 (Town Manager – Michael Scott) See attached information.....198

4. Consideration and request for approval for drainage repairs at 5 Sherwood Court  
 (Town Manager – Michael Scott) See attached information.....201

**Councilmember’s Comments**

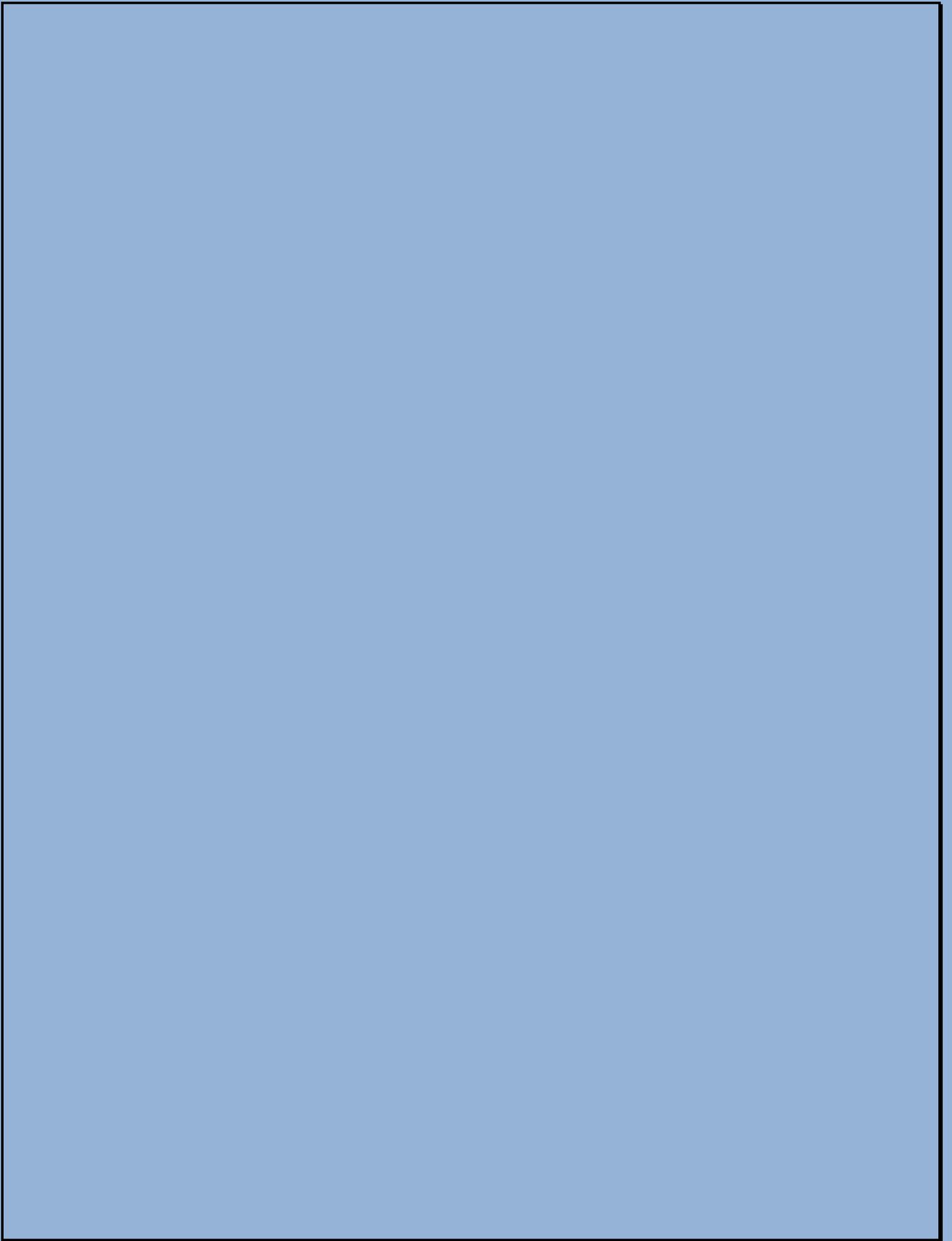
**Town Manager’s Report**

- Financial Report (See attached information).....209
- Department Reports (See attached information).....213
- **Manager’s Report** (Will be provided at the meeting)

Adjourn



# Presentations



**PROCLAMATION**  
*In Honor of Jonathan “Jon” Moore’s 20+ Years  
of Service to the Town of Smithfield*

*WHEREAS, Jonathan Moore has been a dedicated employee for over 20 years and retired on November 24, 2021; and*

*WHEREAS, Jonathan Moore has served the Town of Smithfield as the Parks and Recreation Athletic Program Supervisor; and*

*WHEREAS, Jonathan Moore devoted countless hours to planning and supervising athletic programs for children and adults; and*

*WHEREAS, programs such as youth baseball, basketball, football and soccer have helped develop some of Johnston County’s best athletes; and*

*WHEREAS, Jonathan Moore has earned the admiration of his colleagues, staff, participants and citizens; and*

*WHEREAS, Jonathan Moore will be missed both professionally and as a friend, and we extend our very best wishes for his continued success in his life’s pursuits.*

*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 Jonathan Moore for his distinguished service to the Town of Smithfield, and urge our citizens to join with us as we extend our sincere appreciation for his work, and wish him well in his future endeavors.*

---

*M. Andy Moore, Mayor*

*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the Town of Smithfield on this Seventh day of December in the year of our Lord Two Thousand Twenty-One.*





# Request for Town Council Action

Police  
Presentation: Oath of  
Office  
Date: 12/07/2021

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Subject: Oath of Office  
Department: Police Department  
Presented by: Mayor Andy Moore  
Presentation: Presentations

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## Issue Statement

The Police Department has hired a new officer to fill existing vacancies within the Police Department. Anthony Wellington Moss has been hired to fill one of these positions. Anthony Wellington Moss joins the Smithfield Police Department with nearly seven years of law enforcement experience. He also served in the United State Marine Corps.

## Financial Impact

Approved Budgeted Amount for FY 2021-2022: Covered by the Current Budget

## Action Needed

Administer Oath of Office to Officer Moss and welcome him into the Smithfield Community.

## Recommendation

Administer Oath of Office to Officer Moss and welcome him into the Smithfield Community.

Approved:  Town Manager  Town Attorney

## Attachments:

1. Oath of Office



# Staff Report

Presentation: Oath of  
Office

## OATH OF OFFICE

### SMITHFIELD POLICE DEPARTMENT

"I, Anthony Wellington Moss , the undersigned, do solemnly swear or affirm that I will support the Constitution of the United States; that I will faithfully and bear true allegiance to the State of North Carolina and to the Constitutional powers and authorities which are, or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States; that I will be alert and vigilant to enforce the criminal laws of this state; that I will not be influenced in any manner on account of personal bias or prejudice; and that I will faithfully and impartially execute the duties of my office as a law enforcement officer **according to the best of my skill, abilities and judgment, so help me God."**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Sworn to and subscribed before me this the \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_  
Judge/Clerk

\_\_\_\_\_  
Commission Expires



Presentation  
for Town  
Council

Presentation Annual  
Audit  
Date: 12/07/2021

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Subject: Presentation of the 2020-2021 Annual Financial Report  
Department: Finance Department  
Presented by: Finance Director – Greg Siler & Auditor  
Presentation: Presentation

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Issue Statement – Thompson, Price, Scott, Adams & Co., P.A. (TPSA) will present Fiscal Year 2021 audit results. The Annual Financial Report provides readers (board/council members, citizens, bondholders, lenders, rating agencies, etc.) with information useful in assessing the financial condition of the town and for making decisions.

Financial Impact – N/A

Action Needed – N/A

Recommendation – N/A

Approved:  Town Manager  Town Attorney

Attachments

1. Audit Results Handout





## Presentation of Audit Results

Fiscal Year Ended  
June 30, 2021

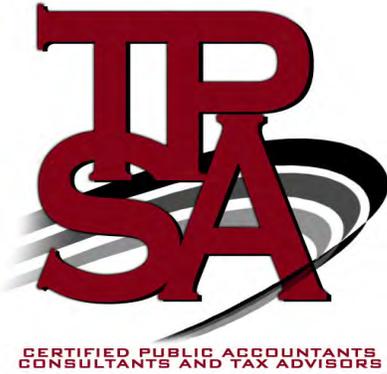


Alan W. Thompson, CPA  
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910.642.5958 fax  
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# TOWN OF SMITHFIELD

## Presentation Agenda

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I. GENERAL COMMENTS	
II. REQUIRED COMMUNICATIONS SAS 114	1-3
III. AUDIT RESULTS	4-10
IV. QUESTIONS AND COMMENTS	
V. CLOSE	



*Thompson, Price, Scott, Adams & Co, P.A.*

P.O. Box 398  
1626 S Madison Street  
Whiteville, NC 28472  
Telephone (910) 642-2109  
Fax (910) 642-5958

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Alan W. Thompson, CPA  
R. Bryon Scott, CPA  
Gregory S. Adams, CPA

November 8, 2021

To the Town of Smithfield  
Smithfield, North Carolina

We have audited the financial statements of the governmental activities, business-type activities, each major fund, and the aggregate remaining fund information of the Town of Smithfield for the year ended June 30, 2021. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, *Government Auditing Standards*, and Uniform Guidance (if applicable), as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated February 12, 2021. Professional standards also require that we communicate to you the following information related to our audit.

#### Significant Audit Findings

##### *Qualitative Aspects of Accounting Practices*

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by Town of Smithfield are described in Note 1 to the financial statements. As described in Note IX to the financial statements, the Town changed accounting policies related to Fiduciary Activities by adopting GASB Statement 84 "Fiduciary Activities," effective for fiscal year ended June 30, 2021. Accordingly, the cumulative effect of the accounting change as of the beginning of the year is reported in Note IX, and is reflected in the Statement of Activities, Statement of Changes in Fiduciary Net Position, and the respective governmental fund statements. We noted no transactions entered into by the Town of Smithfield during the year that were both significant and unusual, and of which, under professional standards, we are required to inform you, or transactions for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. There were no significant estimate(s) or assumptions noted during the audit.

Certain financial statement disclosures are particularly sensitive because of their significance to the financial statement users. There are no such disclosures identified.

The financial statement disclosures are neutral, consistent, and clear.

Members  
American Institute of CPAs - N.C. Association of CPAs - AICPA Division of Firms

### *Difficulties Encountered in Performing the Audit*

We encountered no significant difficulties in dealing with management in performing and completing our audit.

### *Corrected and Uncorrected Misstatements*

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. Some of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to each opinion unit's financial statements taken as a whole.

### *Disagreements with Management*

For purposes of this letter, a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction that could be significant to the financial statements or the auditors' report. We are pleased to report that no such disagreements arose during the course of our audit.

### *Management Representations*

We have requested certain representations from management that are included in the management representation letter dated November 8, 2021.

### *Management Consultations with Other Independent Accountants*

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the governmental unit's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

### *Other Auditing Findings or Issues*

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the Town of Smithfield's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

We feel that the following items should be addressed to the board:

- The balance sheet needs to be reviewed each month, and the finance staff should ascertain that all accounts that should clear out have been appropriately reflected (in particular, payroll liability accounts, customer deposits, utility receivables, etc). \*\*

\*\* These comments are repeated from the previous year's letter.

The Local Government Commission (LGC) will no longer initiate communications about concerns or findings (formerly considered unit letters). They have created a spreadsheet that has to be completed and submitted with the audit report. If that worksheet identifies what they consider a "Financial Performance Indicators of Concern" (FPICs), we are required to communicate those items to the Board.

The Town is required to submit a response within 60 days of the Board meeting in which the financial statements are presented. The detailed audit response should be presented to the entire Board, and signed by the entire Board, Finance Officer, and Manager. We are pleased to disclose that there were no indicators identified on their spreadsheet that you are required to address.

#### Other Matters

We applied certain limited procedures to the Schedule of Town's Proportionate Share of Net Pension Liability (LGERS), Schedule of Town Contributions (LGERS), Schedule of Changes in Total Pension Liability - Law Enforcement Officer's Special Separation Allowance, and Schedule of Changes in Total OPEB Liability and Related Ratios, which is required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

We were engaged to report on the combining and individual non-major fund statement schedules, budgetary schedules, and other schedules, and the schedule of expenditures of federal and State awards, which accompany the financial statements but are not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

Please ensure that management and the Board is aware of the new GASB pronouncements for the upcoming fiscal year. Be especially mindful of GASB No.87: *Leases*, as the implementation of this standard will take a significant amount of time and resources to gather the necessary information. If the proper resources are not allotted for the implementation of this standard, this could potentially cause a significant delay in the completion of the upcoming audit.

#### Restriction on Use

This information is intended solely for the use of the Town Commissioners and management of the Town of Smithfield and is not intended to be and should not be used by anyone other than these specified parties.

Very truly yours,

*Thompson, Price, Scott, Adams & Co., P.A.*

Thompson, Price, Scott, Adams & Co, P.A.

## TOWN OF SMITHFIELD

### FINANCIAL INFORMATION FOR 5 YEARS

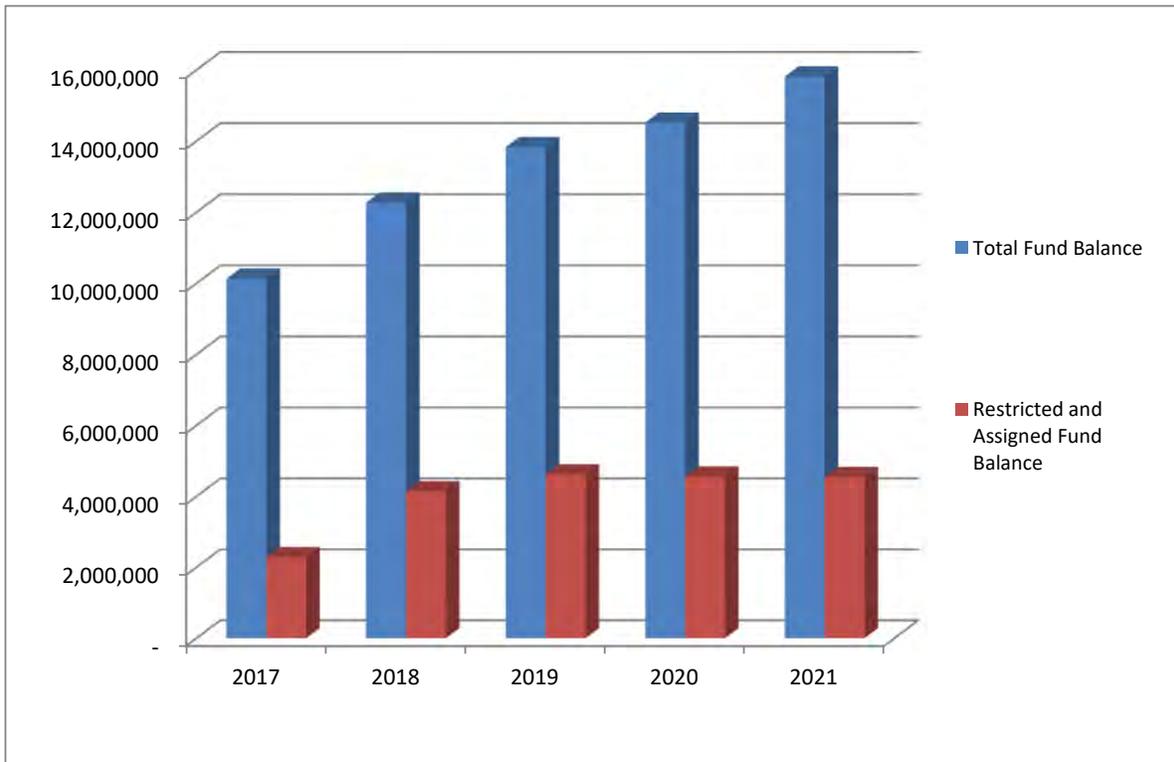
	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>
Total Fund Balance - General Fund	15,814,504	14,521,940	13,832,540	12,268,997	10,130,869
Unavailable Fund Balance (Reserve for State Statute, Prepaid)	2,784,834	2,720,900	2,505,500	2,677,920	1,971,507
Restricted, Committed, and Assigned Fund Balance	4,545,182	4,553,192	4,619,253	4,141,474	2,282,734
General Fund Expenditures (including transfers out)	13,862,800	13,735,288	12,494,420	11,946,508	12,512,751
Fund Balance Available as % of General Fund Expenditures	93.99%	85.92%	90.66%	80.28%	65.21%
Unassigned Fund Balance	11,248,279	9,968,748	9,213,287	8,127,523	7,848,135
Unassigned Fund Balance as % of General Fund Expenditures	81.14%	72.58%	73.74%	68.03%	62.72%
Revenues over (under) expenditures before contributions and transfers					
General Fund	1,884,036	1,443,604	1,555,719	1,504,631	1,888,598
Electric Fund	517,897	255,556	1,196,165	1,788,611	1,817,046
Water & Sewer Fund	2,391,504	2,745,878	1,919,221	2,161,845	1,233,693
Cash vs. Accumulated Depreciation - Water & Sewer Fund					
Total Fixed Assets	27,384,425	24,855,644	24,113,223	21,662,428	43,768,313
Accumulated Depreciation	12,912,721	12,284,763	11,614,170	10,914,753	10,350,317
Cash	13,060,839	12,152,789	9,617,316	7,295,100	6,629,940
Cash vs. Fund Balance					
Cash - General	14,253,350	13,072,113	12,403,538	10,343,081	8,604,897
Cash - Electric Fund	11,767,185	11,020,194	11,163,305	10,255,748	9,282,831
Cash - Water & Sewer Fund	13,060,839	12,152,789	9,617,316	7,295,100	6,629,940
Cash - Other Governmental Funds	922,575	1,074,088	41,817	16,655	7,514
Fund Balance - General	15,814,504	14,521,940	13,832,540	12,268,997	10,130,869
Fund Balance - Electric Fund	19,107,952	18,553,584	18,298,028	17,086,789	15,850,535
Fund Balance - Water & Sewer Fund	23,584,921	21,092,753	17,846,875	12,466,340	10,845,401
Fund Balance - Other Governmental Funds	279,321	176,243	(743,234)	(929,635)	(683,769)
Property Tax Rates	0.57	0.57	0.57	0.57	0.57
Collection Percentages	99.77%	99.61%	99.94%	99.85%	99.89%
Collection Percentages (excluding Motor Vehicle)	99.74%	99.57%	99.93%	99.84%	99.88%
Total Property Valuation	1,279,219,986	1,233,663,158	1,101,886,316	1,097,455,821	1,081,032,456
Total Levy Amount	7,291,554	7,031,880	6,280,752	6,255,498	6,161,885
Debt (excluding OPEB, compensated absences, LGERS)					
Governmental Activities	7,588,150	7,587,735	6,887,928	7,567,413	7,915,875
Business-Type Activities	3,721,993	4,557,159	5,423,041	6,994,105	7,868,346

## TOWN OF SMITHFIELD

### FINANCIAL INFORMATION FOR 5 YEARS

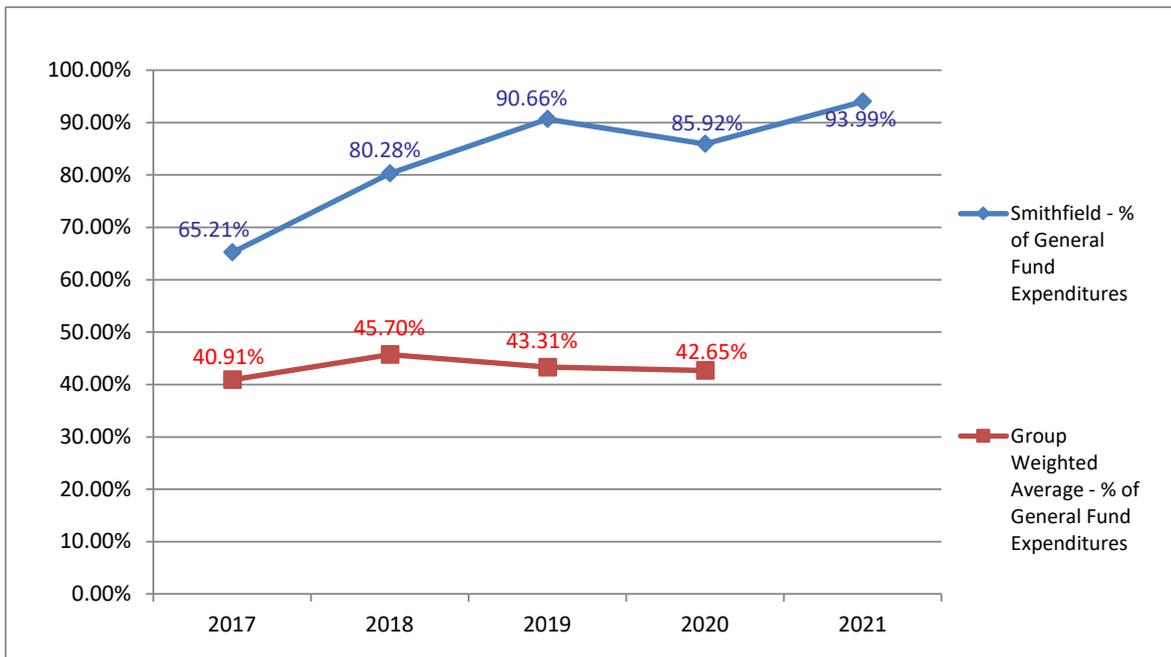
	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>
<b>Breakdown of General Fund Revenues</b>					
Ad Valorem Taxes	7,393,534	7,046,889	6,338,336	6,291,634	6,232,366
Other Taxes, License & Permits	59,366	65,867	78,513	61,207	298,455
Intergovernment Revenue	5,164,269	4,580,621	4,697,106	4,201,992	4,210,875
Sales and Services	2,131,661	2,346,267	2,476,082	2,531,286	2,681,040
Investment Earnings	13,552	47,221	49,259	22,922	13,628
Miscellaneous	150,454	140,027	135,996	121,265	126,761
Total	14,912,836	14,226,892	13,775,292	13,230,306	13,563,125
<b>Breakdown of General Fund Expenditures</b>					
General Government	1,473,207	1,413,158	1,521,400	1,314,451	1,552,265
Public Safety	6,061,161	5,826,869	5,273,650	5,225,946	4,754,200
Street and Public Works	1,286,129	1,413,752	1,456,916	1,119,591	1,381,381
Sanitation	1,418,510	1,172,948	1,091,005	1,059,306	997,160
Cultural & Recreational	1,766,155	2,113,219	1,873,295	1,747,769	1,754,115
Debt Service	1,023,638	843,342	1,003,307	1,258,612	1,235,406
Total	13,028,800	12,783,288	12,219,573	11,725,675	11,674,527

## TOWN OF SMITHFIELD Analysis of Fund Balance



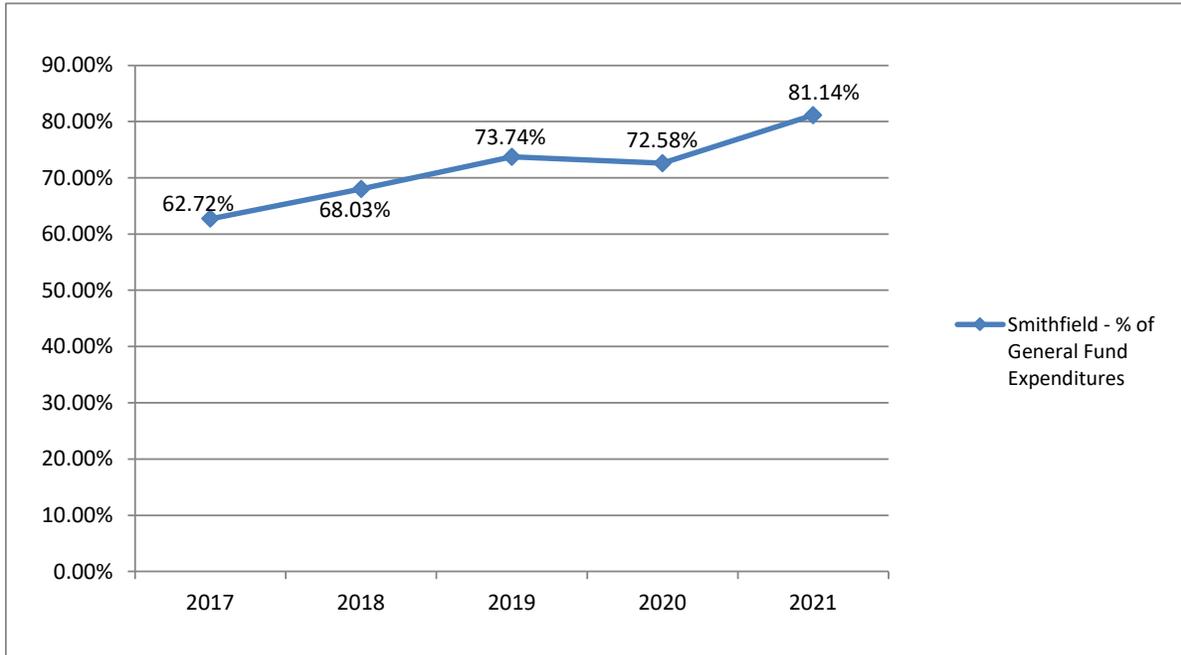
## TOWN OF SMITHFIELD Analysis of Fund Balance Available

(Note - 2021 Group Weighted Average Not Available at Date of Presentation)



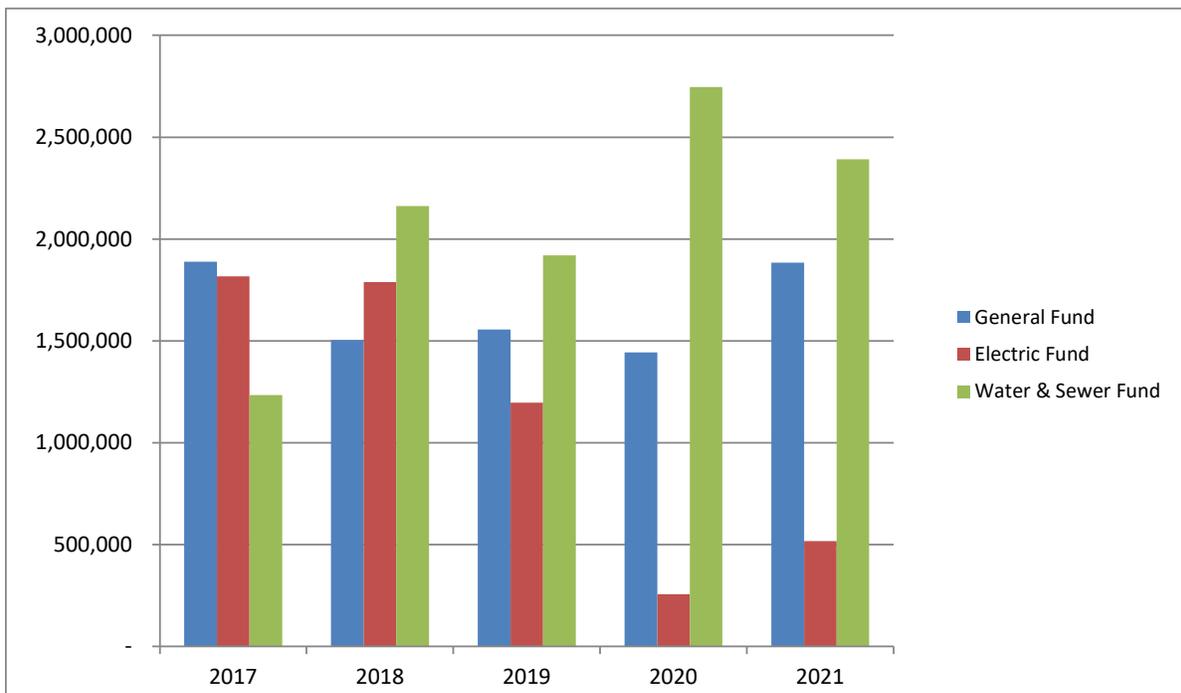
## TOWN OF SMITHFIELD

**Analysis of Unassigned Fund Balance as a % of General Fund Expenditures**



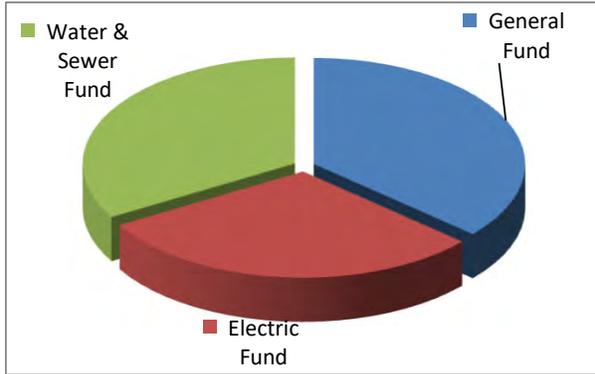
## TOWN OF SMITHFIELD

**Analysis of Revenues Over (Under) Expenditures before Transfers and Contributions**

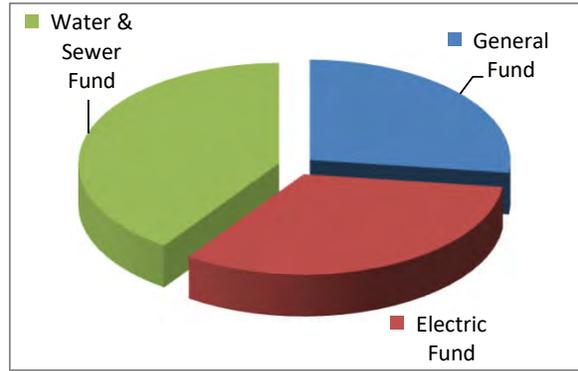


**TOWN OF SMITHFIELD**  
**Analysis of Cash and Fund Balances**  
**at June 30, 2021**

**CASH BALANCES**



**FUND BALANCES**

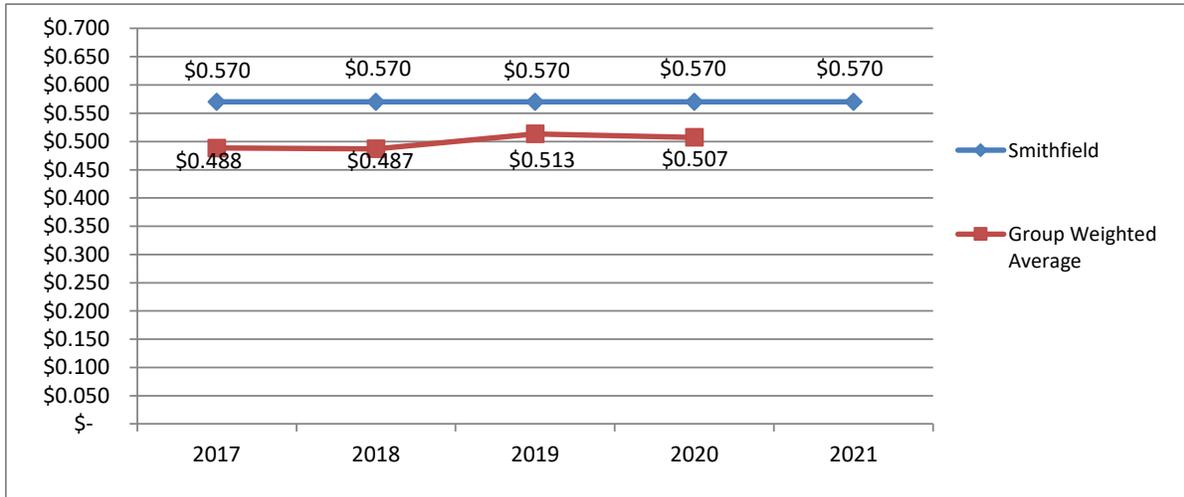


	<u>2021</u>	
	<u>Cash Balances</u>	<u>Fund Balances</u>
General Fund	\$ 14,253,350	\$ 15,814,504
Electric Fund	11,767,185	19,107,952
Water and Sewer Fund	13,060,839	23,584,921
Total	<u>\$ 39,081,374</u>	<u>\$ 58,507,377</u>

## TOWN OF SMITHFIELD

### Property Tax Rates

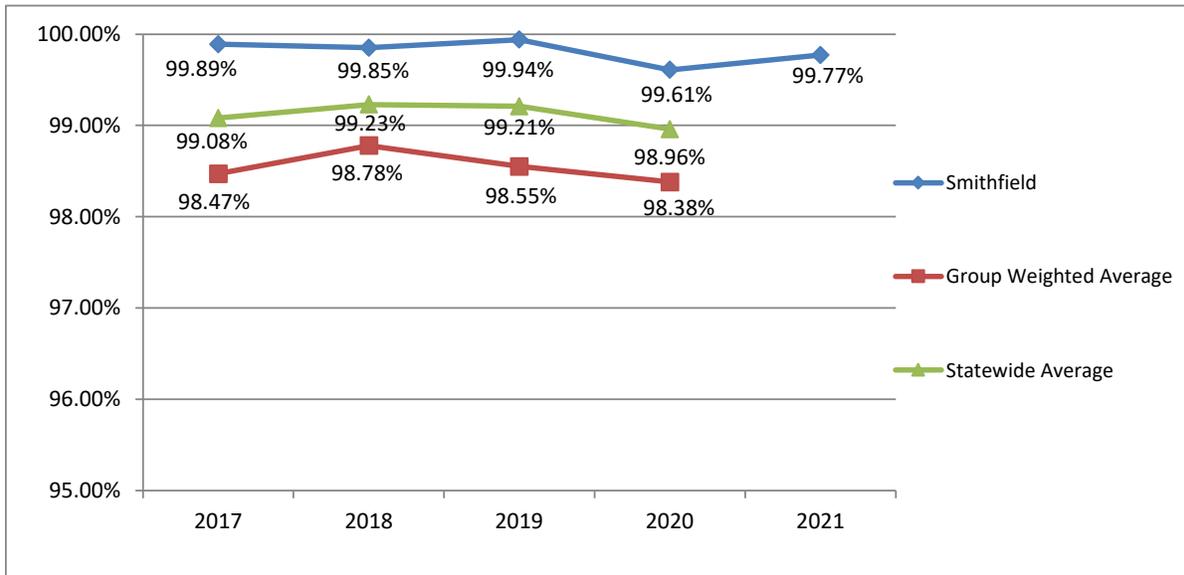
(Note - 2021 Group Weighted Average Not Available at Date of Presentation)



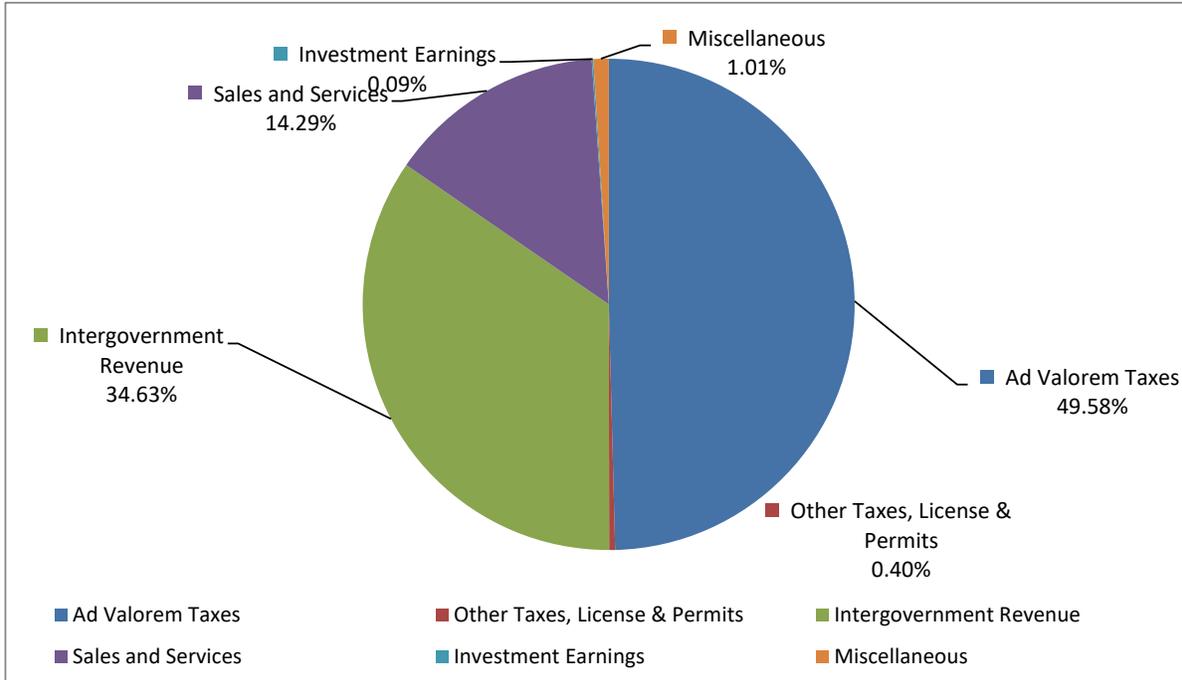
## TOWN OF SMITHFIELD

### Collection Percentages

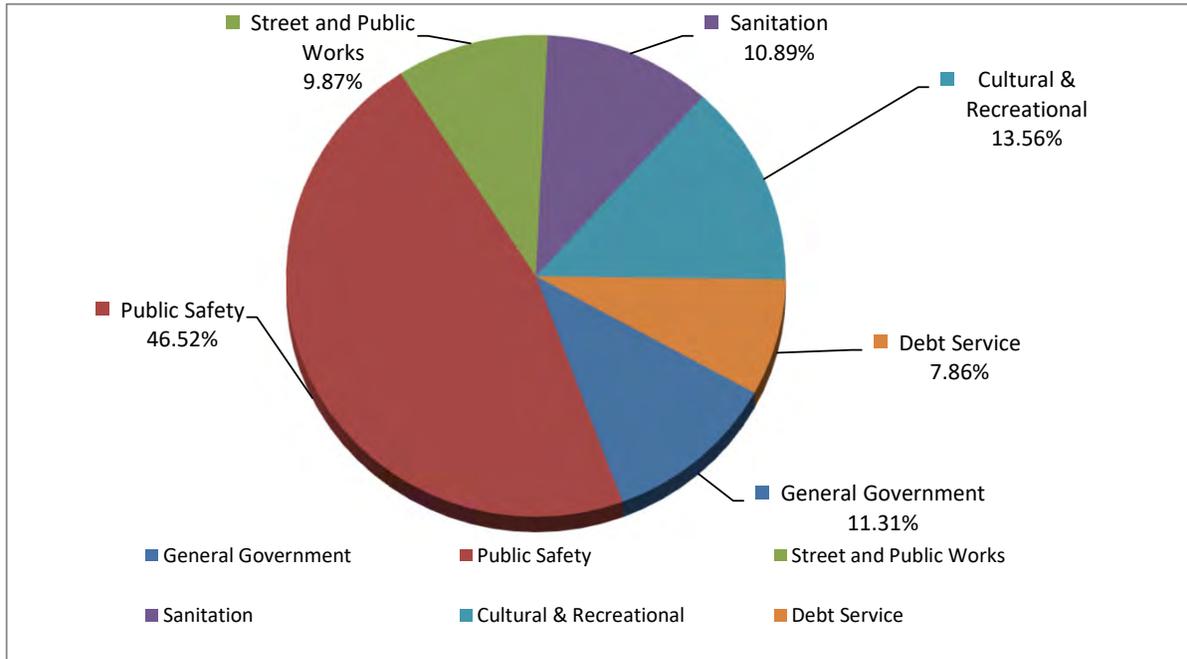
(Note - 2021 Group/Statewide Weighted Average Not Available at Date of Presentation)



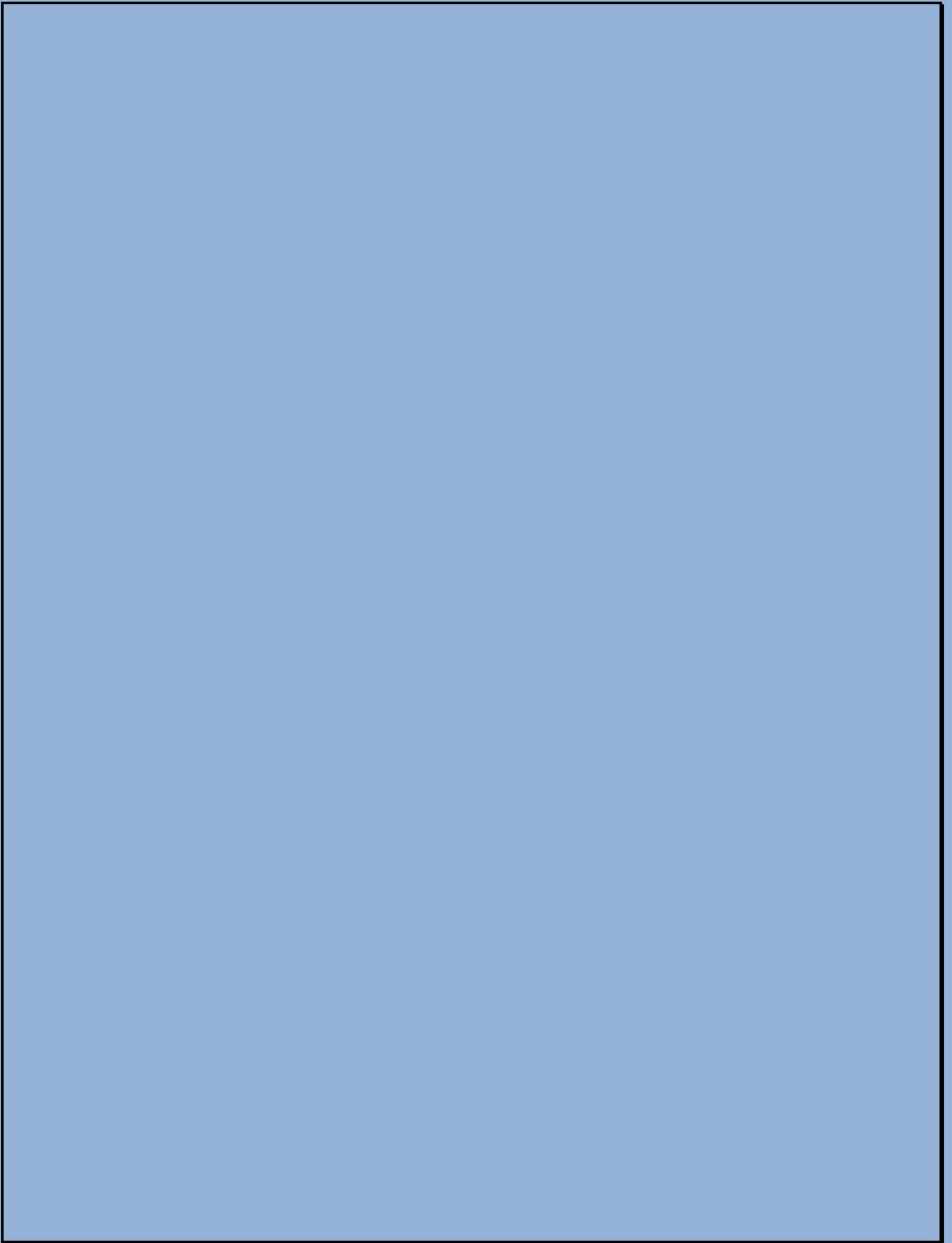
**TOWN OF SMITHFIELD**  
**Break Down of General Fund Revenue**  
**FYE June 30, 2021**



**TOWN OF SMITHFIELD**  
**Break Down of General Fund Expenditures**  
**FYE June 30, 2021**



# Public Hearings





# Request for Town Council Action

Public  
Hearing: RZ-21-03  
Date: 12/07/2021

---

Subject: Zoning Map Amendment  
Department: Planning Department  
Presented by: Planning Director - Stephen Wensman  
Presentation: Public Hearing

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## Issue Statement

The property owners of 18 Azalea Drive and 2 White Oak Drive are requesting their properties to be rezoned from R-10 to R-8.

## Financial Impact

None.

## Action Needed

The Town Council is respectfully requested to hold a public hearing and to review the rezoning and to decide whether to approve or deny the request.

## Recommendation

Planning Staff and the Planning Board recommend approval of the rezoning, RZ-21-03, with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the action is reasonable and in the public interest.

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff Report
2. Consistency Statement
3. Application and Statement of Justification
4. Adjacent Property Owner Listing and Certification
5. Zoning Map
6. **Planning Board Minutes**



# Staff Report

**REQUEST:**

The property owners of 18 Azalea Drive and 2 White Oak Drive are requesting their properties to be rezoned from R-10 to R-8.

**PROPERTY LOCATION:**

The properties are located at the SE Corner of White Oak Drive and M. Durwood Stephenson Parkway and the NE Corner of White Oak Drive and Azalea Drive.

**SITE DATA:**

Property Owners/Applicants: Tomas Moyer and Justin Sharp  
 Tax ID# 14056027B and 14056012  
 Acreage: 0.39 and 0.92 (1.31) acres  
 Present Zoning: R-10  
 Proposed Zoning: R-8  
 Existing Use: Multi-family/Duplex  
 Proposed Use Multi-family/ Duplex  
 Fire District: Smithfield  
 School Impacts: None  
 Parks and Recreation: None  
 Water Provider: Town of Smithfield  
 Sewer Provider: Town of Smithfield  
 Electric Provider: Town of Smithfield

**ENVIRONMENTAL:**

The properties are not located within a floodplain.

**ADJACENT ZONING AND LAND USES: (see attached map for complete listing)**

	<b>Zoning</b>	<b>Existing Land Uses</b>
<b>North</b>	R-10	Single-Family Residential
<b>South</b>	R-10	Single-Family Residential
<b>East</b>	R-8, R-10	Single-Family/Duplex
<b>West</b>	R-10	Single-Family Residential

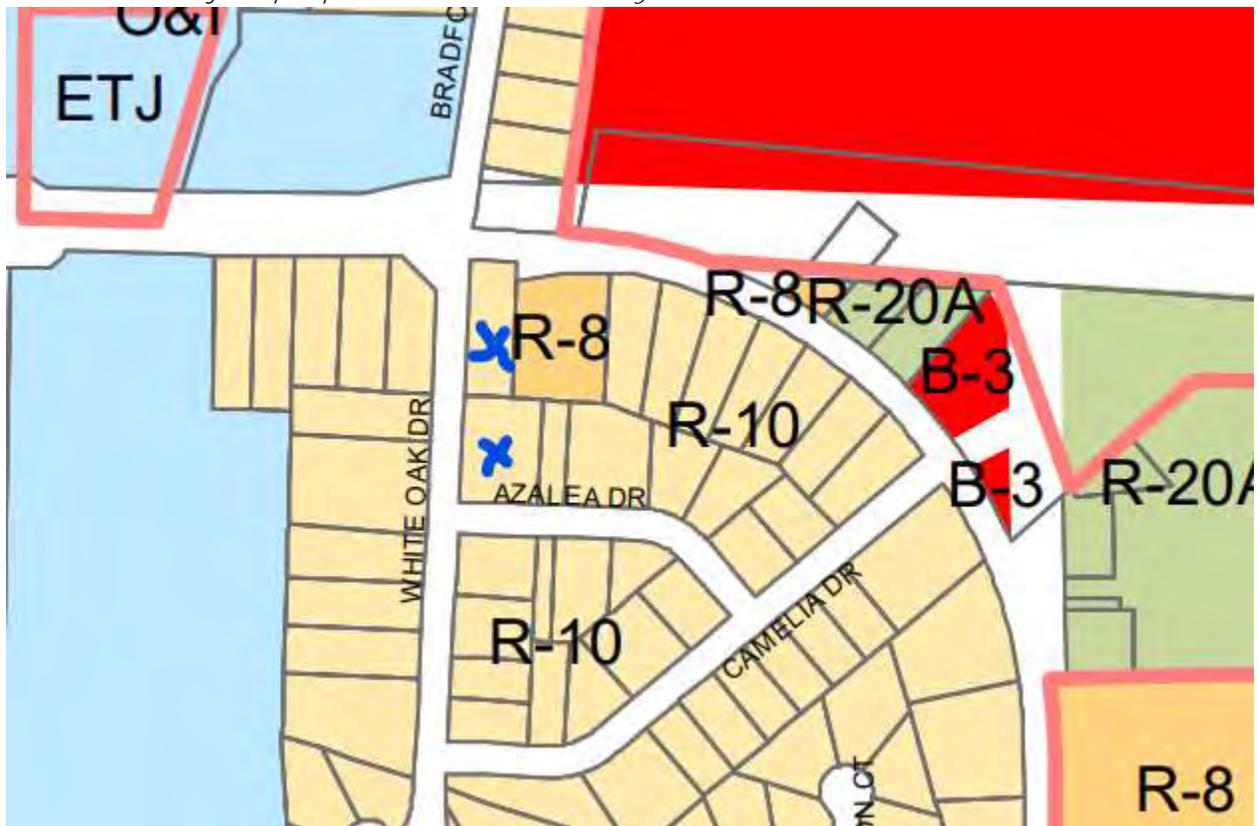
ANALYSIS:

The application is requested to align the existing land use with the appropriate zoning district. The multi-family dwelling on 2 White Oak Drive and the duplexes on 18 Azalea Drive are legal nonconforming uses in the R-10 district. It is likely the properties were developed prior to current zoning and the application of the R-10 zoning made them legal nonconforming.

The R-10 district only allows detached single-family uses. According to Article 9 of the UDO, if the properties were destroyed, they could only be reconstructed as conforming single-family structures. The applicant of 18 Azalea Drive requested a loan from the bank and was rejected as a result of its legal nonconforming status.

Furthermore, the property to the East of 2 White Oak Drive (with the Tax ID 14056010) is a duplex and zoned R-8. It is the only spot of R-8 zoning in the area. This rezoning would make a larger 3-lot R-8 Zoning District and make the uses legal and conforming.

*Note: The subject properties are denoted by the blue X's*



## 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:

- o Consistency with the Comprehensive Growth Management Plan - *the rezoning is consistent with the comprehensive plan which guides the properties for medium density residential.*
- o Consistency with the Unified Development Code - *the properties were developed in accordance with the regulations in place at the time they were developed.*
- o Compatibility with Surrounding Land Uses - *The properties considered for rezoning are compatible with the land uses surrounding the parcels. The uses are all medium density residential and blend into the neighborhood.*

## RECOMMENDATION:

Planning Staff and the Planning Board recommend the Town Council approve RZ-21-03 with a statement declaring the request 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.

## RECOMMENDED MOTION:

Staff recommends the following motion:

***"move to approve zoning map amendment, RZ-21-03, finding it 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 TOWN OF SMITHFIELD  
UNIFIED DEVELOPMENT ORDINANCE  
ZONING MAP AMENDMENT CONSISTENCY STATEMENT  
BY THE SMITHFIELD TOWN COUNCIL  
RZ-21-03**

**Whereas** the Smithfield Town Council, upon acting on a zoning map amendment to the *Unified Development Ordinance* and pursuant to NCGS §160A-383, is required to approve a statement describing how the action is consistent with the Town of Smithfield *Comprehensive Growth Management Plan*; and

**Whereas** the Smithfield Town Council, upon acting on a zoning map amendment to the *Unified Development Ordinance* and pursuant to NCGS §160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

**NOW THEREFORE, BE IT ADOPTED BY THE SMITHFIELD TOWN COUNCIL AS APPROPRIATE:**

**IN THE EVENT THAT THE MOTION TO APPROVE THE ORDINANCE IS ADOPTED,**

That the final action regarding zoning map amendment RZ-21-03 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Town Council and information provided at the public meeting; and

It is the objective of the Town of Smithfield Town Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The zoning map amendment promotes this by offering fair and reasonable regulations for the citizens and business community of the Town of Smithfield as supported by the staff report and attachments provided to the Town Council and information provided at the public meeting. Therefore, the amendment is reasonable and in the public interest.

**IN THE EVENT THAT THE MOTION TO APPROVE THE ORDINANCE FAILS,**

That the final action regarding zoning map amendment RZ-21-03 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

It is the objective of the Town Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The zoning map amendment does not promote this and therefore is neither reasonable nor in the public interest.



Town of Smithfield  
 Planning Department  
 350 E. Market St Smithfield, NC 27577  
 P.O. Box 761, Smithfield, NC 27577  
 Phone: 919-934-2116  
 Fax: 919-934-1134

## REZONING APPLICATION

*Pursuant to Article 4, Section 4-1 of the Unified Development Ordinance, proposed amendments may be initiated by the Town Council, Planning Board, Board of Adjustment, members of the public, or by one or more interested parties. Rezoning applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached), (1) electronic submittal and the application fee.*

Name of Project: AZALEA/WHITE OAK <sup>REZONING</sup> Acreage of Property: 0.397 <sup>92</sup>  
 Parcel ID Number: 140560273 <sup>TAX</sup> Tax ID: 14056012 NCPin 260406-28-6306  
 Deed Book: 05845 / 05985 Deed Page(s): 0359 / 0125  
 Address: 15 AZALEA DR 2 WHITE OAK DRIVE  
 Location: \_\_\_\_\_

Existing Use: TWINHOME/TOWNHOME Proposed Use: NO CHANGE  
 Existing Zoning District: R-10  
 Requested Zoning District R-8  
 Is project within a Planned Development:  Yes  No  
 Planned Development District (if applicable): \_\_\_\_\_  
 Is project within an Overlay District:  Yes  No  
 Overlay District (if applicable): \_\_\_\_\_

### FOR OFFICE USE ONLY

File Number: <u>RZ-21-03</u>	Date Received: <u>10/1/21</u>	Amount Paid: <u>\$400</u>
------------------------------	-------------------------------	---------------------------

**OWNER INFORMATION:**

Name: Thomas Moyer  
Mailing Address: 18 Azalea Dr  
Phone Number: 910-632-3948 Fax: \_\_\_\_\_  
Email Address: tmoyer@graycliffent.com

**APPLICANT INFORMATION:**

Applicant: Thomas Moyer  
Mailing Address: 18 Azalea Dr  
Phone Number: 910-632-3948 Fax: \_\_\_\_\_  
Contact Person: Thomas Moyer  
Email Address: tmoyer@graycliffent.com

**REQUIRED PLANS AND SUPPLEMENTAL INFORMATION**

*The following items must accompany a rezoning application. This information is required to be present on all plans, except where otherwise noted:*

- A map with metes and bounds legal description description of the property proposed for reclassification.
- A list of adjacent property owners.
- A statement of justification.
- Other applicable documentation: \_\_\_\_\_

**STATEMENT OF JUSTIFICATION**

*Please provide detailed information concerning all requests. Attach additional sheets if necessary.*

want to make use conforming in zoning  
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**APPLICANT AFFIDAVIT**

*I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Smithfield to approve the subject zoning map amendment. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.*

Thomas Moyer  
Print Name

  
Signature of Applicant

9/10/21  
Date



Town of Smithfield  
 Planning Department  
 350 E. Market St Smithfield, NC 27577  
 P.O. Box 761, Smithfield, NC 27577  
 Phone: 919-934-2116  
 Fax: 919-934-1134

**OWNER'S CONSENT FORM**

Name of Project: White Oak/Azalea Dr Submittal Date: 10/1/21

**OWNERS AUTHORIZATION**

I hereby give CONSENT to \_\_\_\_\_ (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge the property I have an ownership interest in the subject of this application. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Smithfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

[Signature] Thomas Mayer 9/28/21  
 Signature of Owner Print Name Date

**CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER**

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.

[Signature] Thomas Mayer 9/28/21  
 Signature of Owner/Applicant Print Name Date

**FOR OFFICE USE ONLY**

File Number: RZ-21-03 Date Received: 10/1/21 Parcel ID Number: 14056027B



Town of Smithfield  
 Planning Department  
 350 E. Market St Smithfield, NC 27577  
 P.O. Box 761, Smithfield, NC 27577  
 Phone: 919-934-2116  
 Fax: 919-934-1134

## REZONING APPLICATION

*Pursuant to Article 4, Section 4-1 of the Unified Development Ordinance, proposed amendments may be initiated by the Town Council, Planning Board, Board of Adjustment, members of the public, or by one or more interested parties. Rezoning applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached), (1) electronic submittal and the application fee.*

Name of Project: White Oak/Azalea Dr. Acreage of Property: .39  
 Parcel ID Number: 260406-28-5589 Tax ID: 14056012  
 Deed Book: 05985 Deed Page(s): 0125  
**Address:** 3 White Oak Drive, Smithfield NC 27577  
 Location: Corner of White Oak Drive and M. Durwood Stephenson Pkway

Existing Use: R-10 Multi-family Proposed Use: R-8 Multifamily  
 Existing Zoning District: R-10  
 Requested Zoning District R-8  
 Is project within a Planned Development:  Yes  No  
 Planned Development District (if applicable): \_\_\_\_\_  
 Is project within an Overlay District:  Yes  No  
 Overlay District (if applicable): \_\_\_\_\_

### FOR OFFICE USE ONLY

File Number: <u>RZ-21-03</u>	Date Received: <u>10/1/21</u>	Amount Paid: <u>\$400</u>
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**APPLICANT AFFIDAVIT**

*I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Smithfield to approve the subject zoning map amendment. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.*

Justin E. Sharp  
\_\_\_\_\_  
*Print Name*  
Three White Oak Drive, LLC // Owner Member

  
\_\_\_\_\_  
*Signature of Applicant*

9/29/2021  
\_\_\_\_\_  
*Date*



Town of Smithfield  
 Planning Department  
 350 E. Market St Smithfield, NC 27577  
 P.O. Box 761, Smithfield, NC 27577  
 Phone: 919-934-2116  
 Fax: 919-934-1134

**OWNER'S CONSENT FORM**

Name of Project: White Oak/Azalea Dr                      Submittal Date: 10/1/21

**OWNERS AUTHORIZATION**

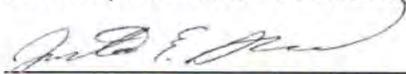
I hereby give CONSENT to \_\_\_\_\_ (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge the property I have an ownership interest in the subject of this application. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Smithfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

                      Justin E. Sharp                      9/29/2021  
*Signature of Owner*                      *Print Name*                      *Date*

**CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER**

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.

                      Justin E. Sharp                      9/29/2021  
*Signature of Owner/Applicant*                      *Print Name*                      *Date*

**FOR OFFICE USE ONLY**

File Number: RZ-21-03                      Date Received: 10/1/21                      Parcel ID Number: 14056012

NEUSE  
CHARTER  
SCHOOL

CHURCH

WHITE OAK

STREET JONES

BRADFORD ST.

BOOKER DAIRY R

APT R 10

APT R 8

LEIGH W PITTMAN

APT R 10

THOMAS MOYER

AZALEA DRIVE

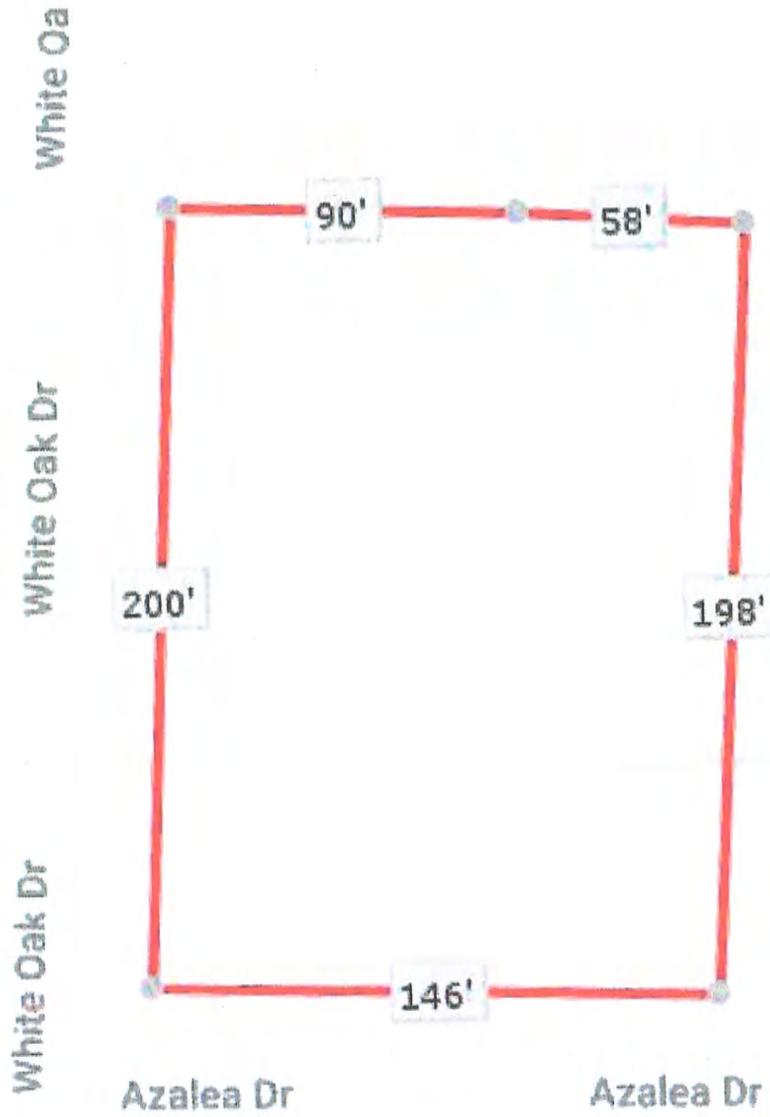
18 & 16 APT R

SSS HIGH SCHOOL

PLAT MAP

Borrower: Client: Thomas Moyer	File No.: IN0119S09	
Property Address: 18 Azalea Dr	Case No.:	
City: Smithfield	State: NC	Zip: 27577
Lender: Thomas Moyer		

BOOKER DAIRY ROAD



**Town of Smithfield  
Planning Board Minutes  
Thursday, November 4th, 2021  
Town Hall  
Council Chambers  
6:00 PM**

Members Present:

Chairman Stephen Upton  
Vice-Chairman Mark Lane  
Debbie Howard  
Michael Johnson  
Sloan Stevens  
Ashley Spain  
Alisa Bizzell

Members Absent:

Doris Wallace

Staff Present:

Stephen Wensman, Planning Director  
Mark Helmer, Senior Planner  
Julie Edmonds, Administrative Assistant

Staff Absent:

**CALL TO ORDER**

**APPROVAL OF AGENDA**

Debbie Howard made a motion to approve the revised agenda moving RZ-21-03 to the first hearing, CZ-21-11 second, CZ-21-10 third and S-21-07 to the last hearing, seconded by Mark Lane. Unanimously approved.

**APPROVAL OF MINUTES**

Michael Johnson made a motion to approve the minutes for October 7<sup>th</sup>, 2021, seconded by Debbie Howard. Unanimously approved.

**NEW BUSINESS**

RZ-21-03 Thomas Moyer

The property owners of 18 Azalea Drive and 2 White Oak Drive are requesting their properties to be rezoned from R-10 to R-8. The properties are located at the SE Corner of White Oak Drive and M. Durwood Stephenson Parkway and the NE Corner of White Oak Drive and Azalea Drive. The two properties are identified as Tax ID# 14056027B and 14056012.

Mark Helmer stated the property owners are Thomas Moyer and Three White Oaks Drive, LLC. The application is requested to align the existing land use with the appropriate zoning district. The multi family dwelling is on 2 White Oak Drive and the duplexes on 18 Azalea Drive are legal nonconforming uses in the R-10 district. It is likely the properties were developed prior to current zoning and the application of the R-10 zoning made them legal nonconforming. The R-10 district only allows detached single-family uses. According to Article 9 of the UDO, if the properties were destroyed, they could only be reconstructed as conforming single-family structures. The applicant of 18 Azalea Drive requested a loan from the bank and was rejected as a result of its legal nonconforming status. Furthermore, the property to the east of 2 White Oak Drive (with the Tax ID 14056010) is a duplex and zoned R-8. It is the only spot of R-8 zoning in the area. This rezoning would make a larger 3-lot R-8 zoning district and make the uses legal and conforming.

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 rezoning is consistent with the comprehensive plan which guides the properties for medium density residential.

Consistency with the Unified Development Code – the properties were developed in accordance with the regulations in place at the time they were developed.

Compatibility with Surrounding Land Uses - The properties considered for rezoning are compatible with the land uses surrounding the parcels. The uses are all medium density residential and blend into the neighborhood.

Planning Staff recommends the Planning Board approve RZ-21-03 with a statement declaring the request 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.

Mark Lane asked if the applicant was only wanting to rezone the property so that it could go back to the proper zoning?

Mark Helmer said yes, the existing R-10 zoning has multi-family structures and duplexes which aren't currently permitted in that zoning district. Therefore, they are legal non-conforming, which creates a situation that finance companies don't like. They want to be sure the property can be rebuilt in case it becomes destroyed. The applicant has requested the proper zoning for the structure that's currently on the property in case there is ever a fire or disaster to the structures.

Sloan Stevens asked there were other properties in town such as this that were legal non-conforming?

Mark Helmer said it's not uncommon, we do have numerous properties like this. Finance companies usually don't become concerned unless there are multiple buildings on the same lot.

Mark Lane made a motion to approve zoning map amendment, RZ-21-03, finding it 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, seconded by Debbie Howard. Unanimously approved.

#### CZ-21-11 Franklin Townes

R&R Development of NC, LLC is requesting a conditional rezoning of 15.9-acres of land from R-20A and R-8 to R-8 CZ with a master plan for a planned development consisting of 134 attached single-family townhome lots. The property is located southeast of Wilson's Mills Road and M. Durwood Stephenson Parkway. The property is further identified as Johnston County Tax ID# 15083049E.

Mark Helmer stated the applicant is R&R Development of NC, LLC. The property considered for approval is agricultural with some woody vegetation along the perimeter. There are neighbor encroachments onto the development parcel, fences and a building that should be addressed with the development of the site. There are no wetlands or other environmental features on the site.

- **Comprehensive Land Use Plan and Density.** The Town's Comprehensive Growth Management Plan guides the site for medium density residential which has a maximum density of 9.61 dwelling units per acre. The proposed development is 8.43 dwelling units per acre.
- **Site Access.** The primary access to the development will be off of Wilson's Mills Road about 440 feet south of the centerline of M. Durwood Stephenson Parkway. A secondary access will be off of Sunrise Avenue.
- **Streets.** The Streets within the development are proposed to be 27' wide b/b in a 50' public right-of way. The Town's standard street is a 34' wide b/b street in a 60' public right of way. 27' wide streets are not conducive for on-street parking. The streets represent a deviation from the Town's standard street.
- **Highway Improvements.** The developer is providing a 10' public right-of-way dedication for the widening of Wilson's Mills Road and restriping near the entrance drive the road area to accommodate the new road.
- **Curb and Gutter.** Valley curbs are proposed throughout the Franklin development; whereas the Town's standard is a B6-12 curb and gutter. In several recent development approvals, the Town Council has allowed valley curbs in front and within 10' of the townhouse end unit. If this standard were implemented with the Franklin development B6-12 curb and gutter would be used for the first 60 feet of the entrance drive off Wilson's Mills Road, along the entrance drive off Sunrise, around the park area, the cul-de-sac and around/in the off-street parking areas. The use of valley curb represents a deviation from the Town's standard curb and gutter.
- **Site Amenities.** A private neighborhood open space/park with a pergola and fire pit, playground, 18 space parking lot, mailbox kiosk of about ¾ acres in size. Also, a dog park and walking trail loop is proposed around the stormwater pond facility.
- **Sidewalks.** A five-foot-wide concrete sidewalk is proposed along Wilson's Mills Road frontage and on one side of the public streets as required by the UDO.
- **Landscaping and Buffering.** The developer is proposing a 10' wide Type A landscaped buffer with a 6' opaque perimeter fence along the south and east edges of the development adjacent to existing residential properties as required.

In addition to the Type A buffer along the property boundary adjacent existing residential, the developer is supplementing the buffer with a 6' high privacy fence.

Behind buildings A-C additional plantings are shown to supplement the Type A buffer and fence where the Townhouses are within 25' of the development boundary.

Section 8.13.1 Multi-Family Dwellings requires a 40' spatial buffer (townhouses are considered multifamily in the UDO, although a single-family product). Recently approved developments have provided varying buffers from adjacent property (Floyd's Landing – 100', Whitley Townes – 25', Marin Woods – 15') This may be considered a deviation from the UDO requirements.

Townhouse unit landscaping: Center units will have 6 shrubs. Center end units will have 9 shrubs and a small upright evergreen tree. Road end units will have a mix of 13 plants consisting of shrubs, evergreen trees.

- **Tree Preservation.** The developer has indicated that some existing perimeter trees will be preserved with the construction. A tree survey was provided, but it is unclear which trees will be preserved after development. The UDO provides for some credit for trees preserved.
- **Utilities.** The development will be served by town water and sewer. There exists Town gravity sanitary sewer and water mains in both Wilson's Mills Road and Sunrise Avenue. There is currently enough sewer capacity to serve this project, although we are close to reaching capacity limits. The west side of Smithfield is within the Duke Energy service area.
- **Stormwater Management.** The site is within the WS-IV-CA (Watershed Critical Area Overlay District) and is required to manage stormwater to a higher standard than elsewhere in the Town. The developer has shown a stormwater management facility in the northeast corner of the site.
- **Trash and Recycling.** Individual townhouse lots are configured such that some lots have no access to their back yards except through the dwelling. This limits the ability to store trash and recycling in the rear yards. Storage of trash and recycling roll offs within a garage or rear yards should be made a condition of approval.
- **Subdivision Signs** A monument sign is proposed adjacent the main entry on Wilson's Mills Road in the common open space.
- **Homeowner's Association** an HOA will own and maintain the recreation and open space areas, stormwater facilities, trails and landscaping on townhouse front and side yards and HOA property.
- **Townhouses** The applicant is proposing 134 townhouse lots in a mix of 3-, 4-, 5- and 6-unit buildings.

**Minimum Lot Dimensions and Size** The minimum lot size is 1,800 sq. ft. the minimum lot width is 20' and lot depth is 90'. The smallest lots are associated with buildings A-C. The remainder of the lots are larger with a typical depth of 100'. End lots have a width of 25'

#### Setbacks

**Front** – 30'. Setback from Wilsons Mills Road – 50'. This matches the R-8 setback requirement.

**Rear** - 15' (plan says 18'). Most of the lots meet the R-8 rear setback requirement of 25' except for the lots in buildings A-C and Y. Building Y has ample open space behind the rear yards, but buildings A-C have 15' rear yards up against the proposed 10' buffer. The townhouse walls alternate between 25' and 30' from the development boundary. The reduced rear setbacks on lots A-C and Y represent deviations from the UDO.

**Corner side** – 10'. Most of the lots meet the required 15' corner side setback requirement except for Building C and G. Buildings C and G have a 10' corner side yard setback. This represents a deviation from the UDO requirements.

**Building Separation.** Section 8.13.1.2 requires multi-family buildings to have a separation of 40'. The developer is showing a minimum separation of 20'.

**Building Heights.** The developer is proposing 3 story townhomes with a building height of 39'-6 1/4" which exceeds the maximum building height of the 35'. This represents a deviation from the UDO.

**Townhouse Unit Sizes/Estimated Sales Price.** The developer has shown two townhome types:  
The Rose - 2,106 sq. ft. -\$275,000

The Akamatsu. 1,792 sq. ft. - \$250,000

#### Parking.

Each unit can park up to 3 cars per unit; one in the garage and two stacked in a driveway. With a 30' setback, there may be some encroachment into the public sidewalk with larger vehicles.

The development provides 45 overflow/guest parking spaces between 3 parking lots. There are 18 spaces in the central park area, 18 spaces in the cul-de-sac lot and 9 in the dog park lot.

Total parking = 3.33 parking spaces per unit. UDO requires 2 per unit. The parking exceeds the UDO standard.

Architectural Standards. The developer has not articulated any architectural standards; however, the two identified townhome models come in a type A or B.

The townhome facades show a mix of shakes, lap and board and batten siding. Covered entryways and some second story balconies. Windows show a mix of mullion types, some with shutters. Single-car garages have decorative doors with divided windows.

The rear elevations of the townhomes have a small second story deck over the rear sliding doors and patio area.

No details have been shown for end units.

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

#### Proposed Improvements Exceeding UDO requirements:

- Parking at 3.3 spaces per dwelling
- Enhanced Type A landscaping with perimeter fence.
- Enhanced landscaping behind units A-C.
- Open space/recreational amenities exceed UDO standards.
- Architectural Standards
- Landscaping in single family development areas.

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

- Consistency with the Comprehensive Growth Management Plan – the comprehensive plan supports flexibility in zoning regulations and the master plan complies with the medium density guidance.
- Consistency with the Unified Development Code – the property will be developed in conformance with the UDO conditional zoning provisions.
- Compatibility with Surrounding Land Uses - The property considered for rezoning will be compatible with the surrounding land uses.

Planning Staff recommends approval of CZ-21-11 with the following conditions:

1. That the future preliminary plat and development plans for the subdivision be in accordance with the approved Master Plan, R-8 Zoning District, and UDO regulations with the with the following deviations:
  - Townhouse streets: 27' wide back-to-back in 50' r/w
  - Townhouse curb and gutter: Valley curbs
  - Townhouse Rear Setback 15'
  - Corner side yard setback 10'
  - Multi-family perimeter buffer 10'
  - Building separation 20'
  - Building height 39'-6 ¼"
2. That the parking lot entrances be constructed in accordance with the town's standard driveway detail.
3. That a tree preservation plan be provided that identifies the trees to be preserved.
4. That the trash and recycling roll-off containers in the townhouse units be stored within a garage or within the rear yards.
5. That B6-12 curb and gutter be installed except in front of Townhouse units and within 10 feet of an end unit.
6. That tree to be removed be identified on the tree preservation plan.
7. That the landscape plan be amended to include a plant schedule indicating the type, number and size of proposed trees, mulch type and planting bed edges, and any required replacement trees.
8. That the sidewalk proposed on the Sunrise entrance extend to Sunrise Avenue.
9. That structures encroaching on the development property be removed.
10. That architectural standards be drafted and included in the HOA declarations.
11. That an HOA be responsible for the ownership and maintenance of all common amenities including landscaping, including front and side yard landscaping, the stormwater SCM, parking lots, recreational amenities, and open space.

Stephen Upton asked who would maintain the streets.

Mark Helmer said all proposed streets within the development will be town maintained.

Stephen Upton asked if a traffic analysis had been done.

Mark Helmer said no, not at this time.

Mark Lane was concerned about adjoining property to this proposed site. He asked why the buffer didn't go down those property lines.

Mark Helmer said some large shade trees could be used to fill it in.

Mark Lane would like to see heavier landscaping than what Mark Helmer suggested or a type of screening.

Mark Lane asked if we had the sewer capacity to cover this development.

Stephen Wensman said yes, he had confirmed that with the public utilities.

Ashley Spain asked about the landscaping for this development from the Wilson's Mills Rd side.

Stephen Wensman said the developer has provided the landscaping and additional space. There is a quite a bit of open space between those units, their backyards and the streets.

Sloan Stevens asked if the buffer from the street is a mounted buffer.

Stephen Wensman said no it's not a berm.

Rob Bailey with R&R Development of NC, LLC came forward. He thanked the Planning Board for their consideration of this development. He feels this is a great project and will be in a really good location.

Tony Tate of TMTLA Associates in Durham. He said he and Mr. Bailey met with Stephen Wensman and Mark Helmer early on and they guided them as to what the Town was looking for. He thanked them for being so responsive and helpful in the suggestions they made. They met with DOT and they told them where the development entrance had to be. Due to the vegetation onsite the visibility from Durwood Stephenson Parkway will be very limited. They will provide a lot of vegetation where needed within the site. They plan to have streets trees even in places they normally wouldn't be. Canopy trees will be used throughout to soften the site.

Stephen Wensman asked Mr. Tate to speak on how the fence would work to the second connection down near Sunrise Drive.

Mr. Tate said they would need to be able to access that area if a fence were installed. They are happy to add one or heavily landscape.

Mr. Upton asked if no street parking would be enforced?

Mr. Tate said yes, it could be restricted through the HOA covenants.

Rob Bailey stated he and Stephen Wensman had discussed some encroachments from existing properties. The church on the property has a 1 ½ foot driveway in the back. He will work with the church and see about putting the fence up where they can still drive back behind the building.

Stephen Upton asked how the other encroachments will be handled.

Mr. Bailey said the others are mainly fence encroachments. He's going to suggest severing the fences that encroach onto the property they purchase and where they install new fence it can be abutted along the property line.

Stephen Wensman asked Mr. Bailey to describe the decorative fence that will be installed.

Mr. Bailey said they will have a 6x6 post, cap it with a copper cap. There will be two boards at the top and vertical slats and two supports at the bottom. It will be a wood fence.

Mark Lane asked how difficult it would be to maintain the strip of land where the fences would need to be adjoined.

Mr. Bailey said they could hire someone to keep it maintained, the homeowners could keep it mowed or fence across it and plant trees and eventually turn into natural space.

Olive Bryant of 101 Poplar Drive is concerned with all of the extra traffic this development will bring. She said her and her neighbors like how quite it is now and they usually only have a few cars to worry about it.

Mr. Upton thanked Ms. Bryant for her remarks and he told her the ultimate decision was up to the Town Council. He apologized for the inconvenience but he told her he understood her concerns.

Wilmont Britt of 405 Hillcrest Drive asked if the perimeter fence of 6ft is standard or could a higher fence go up?

Stephen Wensman said 6ft is standard but code allows up to 8ft.

Mr. Britt said personally he would like to see the 8ft fence used, he doesn't want people seeing down onto his property.

Mr. Britt asked when this development would begin construction?

Mr. Wensman said the Town Council would have the final say, but next we will need to see the preliminary plat. It will be a little while longer before the developer can begin any work.

Emma Gemmel of 207 Hancock Street asked if the fire, police and EMS would be able to easily access the narrow roads of this development?

Stephen Wensman said if they declare it a no parking zone within the HOA and enforce it that would take care of the problem.

Mrs. Gemmel asked if the developers were aware of the sewer tap fee?

Mr. Wensman said yes and they plan to pay it.

Mark Lane spoke to the several residents that came to voice their concerns. He said he knew they were against having this development in their community and he doesn't blame them. But we're here to recommend something to go there that has as least of an impact as possible to the current residence.

Mr. Upton stated it could have been some other development going in such as apartments or single-family homes. This development is less dense than some other approved property.

Ashley Spain asked if the adjoining property owners could be contacted and asked what they would like done. It has been mentioned to abut the fences and plant trees but they should have some say in it.

Mr. Bailey said he doesn't have a problem talking to the homeowners and asking what they would like done.

Mark Lane asked if the condition for the adjoining fence needed to be removed?

Mr. Wensman said I feel like the developer is going to do it.

Mr. Bailey said if you would like to add a condition that we will fence across it at a bare minimum in case he can't get in touch with the property owners or come to an agreement; then hopefully it can be amended at Town Council if another plan is decided on.

Mr. Wensman said he heard two additional conditions. One was to add a fence across the opening where the street didn't go and the other was a berm along Wilson's Mills Rd.

Sloan Stevens made a motion to approve the zoning map amendment, CZ-21-11, with the 13 conditions

of approval, finding the rezoning 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, seconded by Debbie Howard. Unanimously approved

CZ-21-10 Harvest Run: Timmons Group is requesting a conditional rezoning of 45.67-acres of land from R-20A to R-8 CZ with a master plan for a planned development consisting of 165 lots; 96 detached single family residential lots and 69 attached single-family townhomes lots.

Stephen Wensman stated that the applicant is requesting a conditional rezoning of 45.67-acres of land from R-20A to R-8 CZ with a planned development consisting of 165 lots; 96 detached single family residential lots and 69 attached single-family townhome lots. The developer recently sent some updates since this presentation was completed. They plan to add B6-12 curb and gutter in front of all the single-family lots, valley curb and gutter on the townhome streets, a 96 wide cul-de-sac bulb which is a requirement of fire code. There was going to be a pump station but that has been removed. There has been a cooperation between Marin Woods and this developer so it will no longer be needed. They are talking about a 50 ft right-of-way on 29 ft back-to-back streets. Right now, the plans show a 60 ft right-of-way. There will be a trail connection between Marin Woods and this development at the end of the cul-de-sac on row E. This development will have sidewalks on both sides of the street. The property considered for approval is a mix of agricultural and woodland containing a blueline stream, two small wetland areas, a small pond, and areas within the 500-year flood zone.

The Town's Comprehensive Growth Management Plan guides the site for mixed use along NC Highway 210 and remainder of the site for medium density residential. The proposed development is 3.61 dwelling units per acre which is less than the maximum density allowed within areas guided for medium density residential.

The Town's Transportation Plan identifies the need for a road connection between West Market Street and NC Hwy 210.

The Conditional Rezoning Master Plan is in conformance with the Comprehensive Growth Management Plan. The Master Plan should reserve future right of way for a future road connection where a trail is currently shown. There strip of land is too narrow for a full right of way (37' wide); however additional right of way could be added to it if the adjacent land redevelops in the future.

Site Access. The site is accessed by a proposed public road off of NC Highway 210 and from proposed lateral access road connecting the site to the proposed Marin Woods development to the west. A pedestrian trail also provides access from W. Market Street.

#### Streets.

The primary access is a north-south 34' wide road, back of curb to back of curb, in a 60' wide public right-of-way serving as the primary access road to the townhomes and detached single-family areas.

The remainder of the roads within the development are proposed as 29' wide, back of curb to back of curb, including the east west connector street coming from Marin Woods. The east-west connector street should match between developments; therefore, staff is recommending a 34' wide street, back of curb to back of curb in a 60' right-of-way.

Curb and gutter B6-12 curb and gutter is proposed throughout the development except in the townhouse areas where 30" valley curbs are proposed (Roads B and C). This is inconsistent with the curb and gutter proposed in the Marin Woods development, where it is allowed only in front of townhouse units and then transitions to a B6-12 curb within 10' of an end townhouse unit.

Highway Improvements. A Traffic Impact Analysis (TIA) has been prepared and the developer is committed to the required NCDOT improvements. 10.8 acres of the site will be dedicated towards NCDOT right-of-way.

Site Amenities. The developer is proposing decorative sign posts and street lighting throughout the development. This represents an improvement that is beyond those required of the UDO.

Open Space/Recreational Amenities. The development preserves 16.41 acres of land as open space comprised of undisturbed wetlands/woodlands, Neuse Riparian Buffers and passive and active pocket parks, including a dog park area. Pocket Parks and open space areas will be owned and maintained by the Homeowner's Association.

Mail Kiosk. A proposed mail kiosk is conveniently located along Road D (entrance road) just at the north end of the townhouse area within a 7-space parking lot.

Trails.

The plans show a paved trail from W. Market Street to the Road F cul-de-sac which will provide convenient walking to shopping. Another trail is shown connecting the cul-de-sac on Road A to the cul de-sac on Road C, over the riparian buffer connecting the detached single-family area to the attached townhouse area. This trail may require a boardwalk crossing. The trail corridor to West Market Street should be dedicated as right-of-way for a future road connection as suggested in the Town's Transportation Plan. Riparian Buffer. The blue line stream that crosses the site is protected by a riparian buffer that is 50' wide following the center line of the stream.

Sidewalks.

Five-foot public sidewalks are proposed on both sides of the streets throughout the development as compared to the Marin Woods development to the west which is proposing sidewalks on only one side of the streets. A 5' wide sidewalk is also proposed along NC Highway 210. Staff will be working to encourage Marin Woods developers to install a public sidewalk on both sides of a segment of Road C that connects the two developments.

Landscaping and Buffering The landscape plan is incomplete as it does not clearly articulate the type and location of plantings. The submitted plan has been summarized below:

A 20' wide Type C buffer is proposed along the boundary with the industrial zoning to the north edge of the detached single-family development area which consists of 3 canopy trees, 12 shrubs and a 6' high fence per 100'.

A 20' Type B buffer is proposed along the northeast boundary adjacent to the existing residential properties with commercial and institutional zoning consisting of 1 canopy tree and 8 shrubs per 100'. No buffer is proposed to the south and east adjacent to the Pine Knoll multi-family development off of Skyline Drive.

A 20' Type B buffer is proposed alongside of the B-P gas station located on NC Highway 210.

A street yard buffer is proposed along NC Highway 210, but it is unclear as to the type and location of plantings.

No buffer proposed adjacent to Marin Woods Subdivision.

Utilities

Public water will be provided by connecting to an existing watermain along the NC Hwy 210 frontage of the site. Public sanitary sewer is shown throughout the site that will gravity flow to a pump station to be located just outside the buffer area of the blue line stream. The pump station will pump sewage to a force main in the NC Highway 210 right-of-way. The developer is working with Marin Wood developer to potentially move the connecting sewer line between the developments to eliminate the need for the pump station. Staff is working to coordinate this effort.

**Stormwater Management** The developer is committed to meeting all stormwater quantity and quality reduction requirements. Proposed stormwater control measures (SCMs) will typically consist of wet ponds and other approved measures. SCMs are shown located within open space areas and be maintained by the Homeowner's Association.

**Trash and Recycling** Trash and recycling roll-off containers in the townhouse units be stored within a garage or within the rear yards of each unit. This should be made a condition of approval.

**Subdivision Signs** No subdivision sign has been proposed, but easements for entry monuments are shown on the master plan at the entrance to the development from NC Highway 210.

**Homeowner's Association** the HOA will own and maintain the recreation and open space areas, stormwater facilities, pump station, trails and landscaping on townhouse front and side yards and HOA property.

**Townhouses** The applicant is proposing 69 townhouse lots in a mix of four- and five-unit buildings. The images of example townhouse products in the narrative shows all units having single-car garages with 8-10' wide driveways.

**Minimum Lot Dimensions and Size** The minimum lot size is 1,991 sq. ft. All lots are 2,000 sq. ft. or larger with the exception of lot 54 which is 1,991 sq. ft. in size. The average townhouse lot size is 2,045 sq. ft. Setbacks Front – 35', Rear - 15'. The rear setback is a deviation from the R-8 zoning which requires a 25' rear setback.

**Building Height**, the developer is proposing 2-3 story townhomes which according to the developer, should comply with the maximum 35 feet building height.

**Townhouse Unit Sizes** The developer is planning on working with NVR/Ryan Homes as the townhouse builder with the following products:

3-story Juniper, 1220 sq.ft., 3 bedrooms, 2 bathrooms

2-story Poplar, 1442 sq.ft., 3 bedrooms, 2 bathrooms

Target Sales Price: \$230,000-250,000

**Parking** The development provides 2.5 parking spaces per townhome unit. With a 35' building setback, it is feasible to park on vehicle within a garage and two on the townhouse driveway. Some limited on street parking will be available.

**Architectural Standards** The developer is proposing an 18" masonry water table on the front façade of all townhomes. All elevations must have windows on all exterior sides of dwellings. All front windows will have shutters or trim. Corner side yard windows will be treated as a front elevation. The written narrative provides images of example townhomes.

Detached Single-Family Residential The developer is proposing to create 96 detached single family residential lots. The images of example single-family homes all show 2-car garages and covered entryways.

Minimum Lot Dimensions and Size The minimum lot size is 6,308 sq. ft. with a minimum lot width of 55' and lot depth of 114.7'. The lot dimensions and size represent a deviation from the R-8 zoning which requires 8,000 sq. ft. lots with a minimum frontage width of 70 feet. The average lot size proposed is 8,103 sq. ft.

Setbacks Front – 30', Side – 6', Rear - 20'. Corner side – 16' The side and rear setbacks represent a deviation from the R-8 zoning which requires a 10' side and 25' rear setback.

Building Heights, the homes will comply with the maximum building height of 35'

Home Sizes The developer is planning on working with NVR/Ryan Homes as the single-family home builder with the following products:

- Birch – two story, 1680 sq. ft, 4 bedrooms, 2 bathrooms
- Cedar - two story, 1903 sq. ft, 4 bedrooms, 2 bathrooms
- Elm - two story, 2203 sq. ft, 4 bedrooms, 2 bathrooms
- Spruce – one story, 1296 sq. ft, 3 bedrooms, 2 bathrooms

Target Sales Price: \$280,000-\$320,000

Parking. With 2-car garages, each single-family home should have a minimum of 4 parking spaces per unit.

Architectural Standards The developer is proposing a 24" masonry water table on the front façade of all single-family homes. All elevations must have windows on all exterior sides of dwellings. All front windows will have shutters or trim. Corner side yard windows will be treated as a front elevation. Single family detached dwellings should not have the same elevation with parcels adjacent to or directly across the street as the subject parcel's elevation. The written narrative provides images of example homes.

Mark Lane asked what the sewer capacity was for this development.

Stephen Wensman said he talked with Public Utilities Director Ted Credle and he stated there was adequate sewer capacity.

Debbie Howard asked what the usual setbacks were on the side?

Mr. Wensman said a standard in an R-8 development is 10 ft but in this one, the developer is proposing 6 ft.

Ashley Spain asked what are we doing as a Town and County to help the sewer situation with all of this continued growth?

Mr. Wensman said the County has a new sewer plant being built soon, it will take 2 years to complete. They have corresponding projects to divert sewer from other towns and Ted Credle will be updating the West Smithfield pump station.

Debbie Howard asked if we would have a berm?

Mr. Wensman said the landscape plan does need some work. He can't really tell yet if there will be a berm. However, it can be made a condition. He wants there to be one.

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

- Consistency with the Comprehensive Growth Management Plan – the comprehensive plan supports flexibility in zoning regulations and the master plan complies with the medium density guidance.
- Consistency with the Unified Development Code – the property will be developed in conformance with the UDO conditional zoning provisions.
- Compatibility with Surrounding Land Uses - The property considered for rezoning will be compatible with the surrounding land uses.

Planning Staff recommends approval of CZ-21-10 with the following conditions:

1. That the future preliminary plat and development plans for the subdivision be in accordance with the approved Master Plan, R-8 Zoning District, and UDO regulations with the with the following deviations:

Item	R-8 CZ
Townhouse	29' wide back-to-back, except a portion of Street C Streets
Townhouse	Valley curbs in front of townhomes curb and gutter
Townhouse	15' Rear Setback
Detached	55' Single-family lot width
Detached	6,308 sq. ft. Single-family lot area
Detached	6' Single-family side setbacks
Detached	20' Single-family rear setbacks

2. That the parking lot entrances be constructed in accordance with the town's standard driveway detail.
3. That a revised landscape plan be provided that clearly articulates the types and locations of proposed landscaping.
4. That the trash and recycling roll-off containers in the townhouse units be stored within a garage or within the rear yards.
5. That decorative signs posts and street lighting be installed throughout the development.
6. That the development be constructed in accordance with the architectural standards provided in accordance with the rezoning master plan.

Beth Blackmon with Timmons Group of 5410 Trinity Rd, Suite 301 Raleigh came forward. She thanked the Planning staff and Ted Credle for being so easy to work with. She stated that Marin Woods is to the West of this development and their plan is to do the berm, fence and sidewalk to match. The TIA has been submitted to DOT. Their recommendation from the traffic engineers is a 100 ft eastbound left turn lane into the site and a 75 ft westbound right turn lane off of Hwy 210. She wanted to clarify that there was 10.8 acres of street right-of-way but it's not all DOT right-of-way. They want to propose a larger front setback, particularly for the townhomes. Therefore, they will have more parking room.

Sloan Stevens asked about a public easement that goes up to the north and hangs left, will it be an issue?

Beth Blackmon asked if he meant the previous pump station? When they originally submitted this plan and Marin Woods was proposed, they were providing the sewer stub at road C street connection. That is at the highest point of their site. So, we couldn't actually gravity our sewer from that site to that manhole. So, they were going to have to install a pump station. After talking with Marin Woods, they are going to work with us to have a sewer connection at their lower point of the site.

Mark Lane asked Ms. Blackmon if her company was doing the construction? Ms. Blackmon said she works for the engineering firm. We will do the plan design and the construction drawings.

Michael Natelli of 1903 N. Harrison Avenue in Cary came forward. He is the developer as well as his brother Joe. They will work with Ryan Homes who will construct the homes. As mentioned earlier, they will work along with the neighboring Marin Woods to provide a matching berm, sidewalk, landscaping and road. Emma Gemmel of 207 Hancock Street came forward. She asked if the developer was paying a sewer capacity fee?

Stephen Wensman said yes, they are.

Mrs. Gemmel suggested that the Town may want to consider increasing the development fees because the fee was \$11/gal two years ago and it's sure to go up.

Pam Lampe of 415 N. Second Street said she lives on a busy connector street and she thinks the connector street for this development would be best left as nature. It would bring forth way too much traffic.

Debbie Howard to approve the zoning map amendment, CZ-21-10, with the 6 conditions of approval, finding the rezoning 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, seconded by Ashley Spain. Unanimously approved.

#### S-21-07 Harvest Run

Timmons Group is requesting the preliminary plat of Harvest Run a 45.67-acre residential subdivision. The Planning Board revied the request.

#### OLD BUSINESS

None

#### Adjournment

Being no further business, Ashley Spain made a motion seconded by Alisa Bizzell to adjourn the meeting. Unanimously approved.



Julie Edmonds  
Administrative Support Specialist

Adjacent Property Owners of  
RZ-21-03

TAG	PIN	NAME1	ADDRESS1	CITY	STATE	ZIPCODE
14056010	260406-28-7527	PITTMAN, LEIGH WILLIFORD	21 DOGWOOD LANE	FOUR OAKS	NC	27524-0000
14056040A	260406-28-6000	BARBER, CONSTANCE H	302 HILLSIDE DR	SMITHFIELD	NC	27577-3010
14N99004H	260406-28-5046	MILAND INC	106 BRITT ST	SMITHFIELD	NC	27577-3202
14056013	260405-28-4538	PARNELL, JO LEIGH	20 WHITE OAK DR	SMITHFIELD	NC	27577-4807
14056016	260405-28-2385	PARNELL, JO LEIGH	20 WHITE OAK DR	SMITHFIELD	NC	27577-4807
14056017	260405-28-2266	PARNELL, JO LEIGH	20 WHITE OAK DR	SMITHFIELD	NC	27577-4807
14N99003G	260405-28-2058	PARNELL, JOLEIGH	20 WHITE OAK DR	SMITHFIELD	NC	27577-4807
14N99003C	260406-28-7150	CORY, PATRICIA DUFFY	19 AZALEA DR	SMITHFIELD	NC	27577-4816
14056043	260406-28-6297	WARRICK, ALMOND R JR	20 AZALEA DR	SMITHFIELD	NC	27577-4817
14056027B	260406-28-6306	MOYER, THOMAS EVERETTE	18 AZALEA DR	SMITHFIELD	NC	27577-4817
14056012	260406-28-5589	JONES, JOHN ALAN	20 SHORE DR	BCH	NC	28480-0000



PLANNING DEPARTMENT  
Mark E. Helmer, AICP, Senior Planner

ADJOINING PROPERTY OWNERS CERTIFICATION

I, Mark E. Helmer, hereby certify that the property owner and adjacent property owners of the following petition, RZ-21-03, were notified by First Class Mail on 11-19-21.

*Mark E. Helmer*

Signature

Johnston County, North Carolina

I, Julianne Edmonds, Notary Public for Johnston County and State of North Carolina do hereby certify that Mark E. Helmer personally appeared before me on this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the

19th day of November, 2021

*Julianne Edmonds*

Notary Public Signature

*Julianne Edmonds*

Notary Public Name

My Commission expires on January 15, 2023

(Seal)



# 300 Block of NC Highway 210

**File Number:**  
RZ-21-03

**Project Name:**  
White Oak  
Rezoning

**Location:** NE corner of  
Azalea Drive &  
White Oak Drive

**Tax ID#:**  
14056027B & 14056012

**Existing Zoning:**  
R-10 (Residential)

**Proposed Zoning:**  
R-8 (Residential)

**Owner:**  
Thomas Moyer  
Three White  
Oak Drive, LLC

**Applicant:**  
Thomas Moyer



1 in = 146 ft

Map created by the Mark E. Helmer, AICP  
Senior Planner, GIS Specialist on 10/28/2021



Location of Proposed Rezoning



# Request for Town Council Action

Public  
Hearing: CZ-21-10  
Date: 12/07/2021

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Subject: Conditional Zoning Map Amendment  
Department: Planning Department  
Presented by: Planning Director – Stephen Wensman  
Presentation: Public Hearing

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## Issue Statement

Timmons Group is requesting a conditional rezoning of 45.67-acres of land from R-20A to R-8 CZ with a master plan for a planned development consisting of 165 lots; 96 detached single family residential lots and 69 attached single-family townhome lots.

## Financial Impact

The subdivision will **add to the town's tax base.**

## Action Needed

The Town Council is respectfully requested to hold a public hearing to review the conditional rezoning to and to decide whether to approve, approve with conditions, or deny the request.

## Recommendation

Planning Staff and the Planning Board recommend approval of CZ-21-10 with 9-conditions with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans and that the request is reasonable and in the public interest.

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff Report
2. Consistency Statement
3. Application
4. Master Plan - Separate Attachment
5. Adjacent Property Owners Listing and Certification
6. Zoning Map



# Staff Report

Agenda CZ-  
Item: 21-10

## REQUEST:

Timmons Group is requesting a conditional rezoning of 45.67-acres of land from R-20A to R-8 CZ with a master plan for a planned development consisting of 165 lots; 96 detached single family residential lots and 69 attached single-family townhome lots.

## PROPERTY LOCATION:

The property is located on the north side of the NC Highway 210 approximately 225 feet west of its intersection with Skyland Drive.

## APPLICATION DATA:

Applicant:	Timmons Group
Property Owners:	Mary Strickland and Evelyn Story Andrews
Subdivision Name:	Harvest Run
Tax ID#s	15077009 and 15077017
Rezoning Acreage:	45.67 acres.
Present Zoning:	R-20A
Proposed Zoning:	R-8 CZ
Existing Use:	Vacant Land
Proposed Use:	Attached single-family (townhouses) and detached single-family residential
Fire District:	Town of Smithfield
School Impacts:	Potential students
Parks and Recreation:	Park Dedication Fee in Lieu
Water and Sewer Provider:	Town of Smithfield
Electric Provider:	Town of Smithfield
Provided Open Space:	13.79 acres
Development Density:	3.61 D.U.A.
Roads:	6,471 Lin. Feet
Impervious:	16.41 acres (35.93%)
Riparian Buffer:	2.13 acres (4.66%)

## ADJACENT ZONING AND LAND USES: (see attached map)

	Zoning	Existing Land Uses
North	H-1 (Heavy Industrial)	Industrial
South	B-3 (Business) & R-20A (Residential/Agriculture)	Multi-family residential and vacant
East	B-3 (Business) and R-8	Commercial and Multi-family

	(Residential)	residential
<b>West</b>	R-8 (Residential) and R-20A (Residential/Agriculture)	Vacant (planned single-family/multi-family residential)

EXISTING CONDITIONS/ENVIRONMENTAL:

The property considered for approval is a mix of agricultural and woodland containing a blueline stream, two small wetland areas, a small pond, and areas within the 500-year flood zone.

MASTER PLAN/ANALYSIS:

- Comprehensive Land Use Plan and Density.
  - **The Town’s** Comprehensive Growth Management Plan guides the site for mixed use along NC Highway 210 and remainder of the site for medium density residential. The proposed development is 3.61 dwelling units per acre which is less than the maximum density allowed within areas guided for medium density residential.
  - **The Town’s Transportation Plan** identifies the need for a road connection between West Market Street and NC Hwy 210.
  - The Conditional Rezoning Master Plan is in conformance with the Comprehensive Growth Management Plan. The Master Plan should reserve future right of way for a future road connection where a trail is currently shown. There strip of land is too **narrow for a full right of way (37’ wide)**; however additional right of way could be added to it if the adjacent land redevelops in the future.
- Site Access. The site is accessed by a proposed public road off of NC Highway 210 and from proposed lateral access road connecting the site to the proposed Marin Woods development to the west. A pedestrian trail also provides access from W. Market Street.
- Highway Improvements. A Traffic Impact Analysis (TIA) has been prepared and the developer is committed to the required NCDOT improvements. The developer will be dedicating 10.8 acres of the site for NCDOT right-of-way.
- Streets.
  - The primary access is a north-south **34’ wide road, back of curb to back of curb, in a 60’ wide public right-of-way** serving as the primary access road to the townhomes and detached single-family areas.
  - The remainder of the roads within the development are proposed as **29’ wide, back of curb to back of curb in a 55’ wide public-right of way**, including the east west connector street coming from Marin Woods.

- The east-west connector street should match between developments; therefore, **staff is recommending a 34' wide street, back of curb to back of curb in a 60' right-of-way.**
- Curb and gutter. B6-12 curb and gutter is proposed throughout the development except in front of townhouse units and within ten feet of the end units. This is consistent with other recent subdivision approvals.
- Site Amenities. The developer is proposing decorative sign posts and street lighting throughout the development. This represents an improvement that exceeds UDO requirements.
- Open Space/Recreational Amenities. The development preserves 16.41 acres of land as open space comprised of undisturbed wetlands/woodlands, Neuse Riparian Buffers and passive and active pocket parks, including a dog park area. **Pocket Parks and open space areas will be owned and maintained by the Homeowner's Association.**
- Mail Kiosk. A proposed mail kiosk is conveniently located along Road D (entrance road) just at the north end of the townhouse area within a 7-space parking lot.
- Trails.
  - The plans show a paved trail from W. Market Street to the Road F cul-de-sac which will provide convenient walking to shopping. Another trail is shown connecting the cul-de-sac on Road A to the cul-de-sac on Road C over the riparian buffer connecting the detached single-family area to the attached townhouse area. This trail may require a boardwalk crossing.
  - The trail corridor to West Market Street should be dedicated as right-of-way for a **future road connection as suggested in the Town's Transportation Plan.**
- Riparian Buffer. The blue line stream that crosses the site is protected by a riparian **buffer that is 50' wide following the center line of the stream.**
- Sidewalks.
  - Five-foot public sidewalks are proposed on both sides of the streets throughout the development as compared to the Marin Woods development to the west which is proposing sidewalks on only one side of the streets. **A 5' wide sidewalk is also proposed along NC Highway 210**
  - Staff will be working to encourage Marin Woods developers to install a public sidewalk on both sides of a segment of Road C that connects the two developments.
- Landscaping and Buffering. The landscape plan is incomplete as it does not clearly articulate the type and location of plantings. The submitted plan has been summarized below:

- A **20' wide Type C buffer** is proposed along the boundary with the industrial zoning to the north edge of the detached single-family development area which consists of **3 canopy trees, 12 shrubs and a 6' high fence per 100'**.
  - A **20' Type B buffer** is proposed along the northeast boundary adjacent to the existing residential properties with commercial and institutional zoning consisting of 1 canopy tree and 8 shrubs per 100'.
  - No buffer is proposed to the south and east adjacent to the Pine Knoll multi-family development off of Skyline Drive.
  - **A 20' Type B buffer is proposed** alongside of the B-P gas station located on NC Highway 210.
  - A Street yard buffer is proposed along NC Highway 210, but it is unclear as to the type and location of plantings.
  - No buffer proposed adjacent to Marin Woods Subdivision.
  - **Keener Lumber has requested a 6' privacy fence be installed along the boundary** adjacent to its industrial property to protect against trespassing.
- Utilities.
  - Public water will be provided by connecting to an existing watermain along the NC Hwy 210 frontage of the site.
  - Public sanitary sewer has been coordinated with the adjacent Marin Woods development to eliminate the need for a pump station.
- Stormwater Management. The developer is committed to meeting all stormwater quantity and quality reduction requirements. Proposed stormwater control measures (SCMs) will typically consist of wet ponds and other approved measures. SCMs are shown **located within open space areas and be maintained by the Homeowner's Association.**
- Trash and Recycling. Trash and recycling roll-off containers in the townhouse units be stored within a garage or within the rear yards of each unit. This should be made a condition of approval.
- Subdivision Signs. No subdivision sign has been proposed, but easements for entry monuments are shown on the master plan at the entrance to the development from NC Highway 210.
- **Homeowner's Association.** An HOA will own and maintain the recreation and open space areas, stormwater facilities, pump station, trails and landscaping on townhouse front and side yards and HOA property.
- Townhouses. The applicant is proposing 69 townhouse lots in a mix of four- and five-unit buildings. The images of example townhouse products in the narrative shows all units having single-car garages with **8-10' wide driveways.**
  - **Minimum Lot Dimensions and Size.** The minimum lot size is 1,991 sq. ft. All lots are 2,000 sq. ft. or larger with the exception of lot 54 which is 1,991 sq. ft. in size. The average townhouse lot size is 2,045 sq. ft.

- Setbacks. Front – **35'**, Rear - **15'**. **The rear setback is a deviation from the required 25' setback in the R-8 zoning district.**
- Building Heights. The developer is proposing 2-3 story townhomes which according to the developer, should comply with the maximum 35 feet building height.
- Townhouse Unit Sizes. The developer is planning on working with NVR/Ryan Homes as the townhouse builder with the following products:
  - 3-story Juniper, 1220 sq.ft., 3 bedrooms, 2 bathrooms
  - 2-story Poplar, 1442 sq.ft., 3 bedrooms, 2 bathrooms
- Target Sales Price: \$230,000-250,000
- Parking. The development provides 2.5 parking spaces per townhome unit. **With a 35' building setback, it is feasible to park on vehicle within a garage and two on the townhouse driveway.** Some limited on-street parking will be available.
- Architectural Standards. **The developer is proposing an 18" masonry water table on the front façade of all townhomes.** All elevations must have windows on all exterior sides of dwellings. All front windows will have shutters or trim. Corner side yard windows will be treated as a front elevation. The written narrative provides images of example townhomes.
- Detached Single-Family Residential. The developer is proposing to create 96 detached single family residential lots. The images of example single-family homes all show 2-car garages and covered entryways.
  - Minimum Lot Dimensions and Size. The minimum lot size is 6,308 sq. ft. with a **minimum lot width of 55' and lot depth of 114.7'.** **The lot dimensions and size** represent a deviation from the R-8 zoning which requires 8,000 sq. ft. lots with a minimum frontage width of 70 feet. The average lot size proposed is 8,103 sq. ft.
  - Setbacks. Front – **30'**, Side – **6'**, Rear - **20'**. Corner side – **16'** **The side and rear setbacks represent a deviation from the R-8 zoning which requires a 10' side and 25' rear setback.**
  - Building Heights. The homes will comply with the maximum **building height of 35'**
  - Home Sizes. The developer is planning on working with NVR/Ryan Homes as the single-family home builder with the following products:
    - Birch – two story, 1680 sq.ft, 4 bedrooms, 2 bathrooms
    - Cedar - two story, 1903 sq.ft, 4 bedrooms, 2 bathrooms
    - Elm - two story, 2203 sq. ft, 4 bedrooms, 2 bathrooms
    - Spruce – one story, 1296 sq. ft, 3 bedrooms, 2 bathrooms

- Target Sales Price: \$280,000-\$320,000
- Parking. With 2-car garages, each single-family home should have a minimum of 4 parking spaces per unit.
- Architectural Standards. The developer is proposing a 24" **masonry water table** on the front façade of all single-family homes. All elevations must have windows on all exterior sides of dwellings. All front windows will have shutters or trim. Corner side yard windows will be treated as a front elevation. Single-family detached dwellings should not have the same elevation with parcels adjacent to or directly **across the street as the subject parcel's** elevation. The written narrative provides images of example homes.

CONDITIONAL ZONING:

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

Item	R-8/UDO	R-8 CZ
Townhouse Streets	<b>34' wide back-to-back</b>	29' <b>wide back-to-back.</b>
Townhouse curb and gutter	B6-12 curbs	Valley curbs in front of <b>units and within 10' of end unit.</b>
Townhouse Rear Setback	<b>25'</b>	<b>15'</b>
Detached Single-family lot width	<b>70'</b>	<b>55'</b>
Detached Single-family lot area	8,000 sq. ft.	6,308 sq. ft.
Detached Single-family side setbacks	<b>10'</b>	<b>6'</b>
Detached Single-family rear setbacks	<b>25'</b>	<b>20'</b>

- Proposed improvements exceeding UDO requirements:
  - Decorative street signs and light posts.
  - Sidewalks on 2-sides of each street vs. one side.
  - Trails to Market Street and between the Townhouse and single-family home areas.
  - **Increased townhouse front setback to 35'**
  - Off-street parking at 2.5 units per dwelling exceeds required 2 units per acre.

- Architectural Standards
- Landscaping in single family development areas.
- Privacy fence along Keener Lumber if agreed to by applicant.

CONSISTENCY STATEMENT (Staff Opinion):

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

- Consistency with the Comprehensive Growth Management Plan – *the comprehensive plan supports flexibility in zoning regulations and the master plan complies with the medium density guidance.*
- Consistency with the Unified Development Code – *the property will be developed in conformance with the UDO conditional zoning provisions.*
- Compatibility with Surrounding Land Uses - *The property considered for rezoning will be compatible with the surrounding land uses.*

RECOMMENDATION:

Planning Staff recommends approval of CZ-21-10 with the following conditions:

1. That the future preliminary plat and development plans for the subdivision be in accordance with the approved Master Plan, R-8 Zoning District, and UDO regulations with the with the following deviations:

Item	R-8 CZ
Townhouse Streets	29' <b>wide back</b> -to-back, except a portion of Street C
Townhouse curb and gutter	Valley curbs in front of townhomes.
Townhouse Rear Setback	<b>15'</b>
Detached Single-family lot width	<b>55'</b>
Detached Single-family lot area	6,308 sq. ft.
Detached Single-family	<b>6'</b>

side setbacks	
Detached Single-family rear setbacks	20'

2. That the **parking lot entrances be constructed in accordance with the town's** standard driveway detail.
3. That a revised landscape plan be provided that clearly articulates the types and locations of proposed landscaping including a landscaped berm with a privacy fence along NC Highway 210.
4. That the trail corridor to Market Street be dedicated as public right-of-way.
5. That the trash and recycling roll-off containers in the townhouse units be stored within a garage or within the rear yards.
6. That decorative signs posts and street lighting be installed throughout the development.
7. That the development be constructed in accordance with the architectural standards provided in accordance with the rezoning master plan.
8. That a privacy fence be installed along the boundary with Keener Lumber to discourage trespassing.
9. That Road **C connecting to Marin Woods be constructed as a 34' wide b/b Street.**

RECOMMENDED MOTION:

***"move to approve the zoning map amendment, CZ-21-10, with the 9 conditions of approval, finding the rezoning 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 TOWN OF SMITHFIELD  
UNIFIED DEVELOPMENT ORDINANCE  
ZONING MAP AMENDMENT CONSISTENCY STATEMENT  
BY THE SMITHFIELD TOWN COUNCIL  
CZ-21-10**

**Whereas** the Smithfield Town Council, upon acting on a zoning map amendment to the *Unified Development Ordinance* and pursuant to NCGS §160A-383, is required to approve a statement describing how the action is consistent with the Town of Smithfield *Comprehensive Growth Management Plan*; and

**Whereas** the Smithfield Town Council, upon acting on a zoning map amendment to the *Unified Development Ordinance* and pursuant to NCGS §160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

**NOW THEREFORE, BE IT ADOPTED BY THE SMITHFIELD TOWN COUNCIL AS APPROPRIATE:**

**IN THE EVENT THAT THE MOTION TO RECOMMEND THE ORDINANCE IS ADOPTED,**

That the Town Council recommendation regarding text amendment CZ-21-10 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Town Council and information provided at the public hearing; and

It is the objective of the Town of Smithfield Town Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The zoning map amendment promotes this by offering fair and reasonable regulations for the citizens and business community of the Town of Smithfield as supported by the staff report and attachments provided to the Town Council and information provided at the public hearing. Therefore, the amendment is reasonable and in the public interest.

**IN THE EVENT THAT THE MOTION TO RECOMMEND THE ORDINANCE FAILS,**

That the final recommendation regarding zoning map amendment CZ-21-10 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

It is the objective of the Town Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The zoning map amendment does not promote this and therefore is neither reasonable nor in the public interest.



Town of Smithfield  
 Planning Department  
 350 E. Market St Smithfield, NC 27577  
 P.O. Box 761, Smithfield, NC 27577  
 Phone: 919-934-2116  
 Fax: 919-934-1134

## REZONING APPLICATION

*Pursuant to Article 4, Section 4-1 of the Unified Development Ordinance, proposed amendments may be initiated by the Town Council, Planning Board, Board of Adjustment, members of the public, or by one or more interested parties. Rezoning applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached), (1) electronic submittal and the application fee.*

Name of Project: Harvest Run Acreage of Property: 45.67  
 Parcel ID Number: 168400-84-6775 & 168412-95-1415 Tax ID: 15077009 & 15077017  
 Deed Book: 4698 & 1540 Deed Page(s): 972 & 339  
 Address: NC HWY 210  
 Location: NC HWY 210 across from Glen Lake Apartments

Existing Use: vacant Proposed Use: residential single family  
 Existing Zoning District: R-20A  
 Requested Zoning District: R-8 Conditional  
 Is project within a Planned Development:  Yes  No  
 Planned Development District (if applicable): \_\_\_\_\_  
 Is project within an Overlay District:  Yes  No  
 Overlay District (if applicable): \_\_\_\_\_

### FOR OFFICE USE ONLY

File Number: _____	Date Received: <u>10/1/21</u>	Amount Paid: _____
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**APPLICANT AFFIDAVIT**

*I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Smithfield to approve the subject zoning map amendment. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.*

Beth Blackmon  
Print Name

Beth Blackmon  
Signature of Applicant

9/29/21  
Date

Adjacent Property Owners of  
CZ-21-10

TAG	PIN	NAME	ADDRESS	CITY	STATE	ZIPCODE
15077015	169409-05-2823	MCLEOD, AMELIA MASSENGILL	210 S SMITH ST	CLAYTON	NC	27520-2537
15077010	168400-94-2024	YASSEN INVESTMENTS, INC.	601 W ASH ST	GOLDSBORO	NC	27530-3525
15077014B	169409-05-0589	ANRAN PARTNERSHIP	P O BOX 531	SMITHFIELD	NC	27577-0000
15077011A	168400-94-3645	PINE KNOLL HOUSING ASSOC	P O BOX 1187	SMITHFIELD	NC	27577-0000
15077018	168412-96-8305	CROCKER, GLENWOOD P	P O BOX 1202	SMITHFIELD	NC	27577-0000
15077019	168412-96-6374	CROCKER, GLENWOOD P	P O BOX 1202	SMITHFIELD	NC	27577-0000
15077041	168412-95-8756	1023 WEST MARKET LLC	PO BOX 708	SMITHFIELD	NC	27577-0708
15077011H	168412-95-4294	ASSOC	PO BOX 1187	SMITHFIELD	NC	27577-1187
15078199J	169409-06-2518	BERKSHIRE ROAD I LLC	P O BOX 1187	SMITHFIELD	NC	27577-1187
15084001	169409-06-6525	TWIN STATES FARMING INC	P O BOX 1352	SMITHFIELD	NC	27577-1352
15L11006	169409-06-1658	TWIN STATES FARMING INCORP	P O BOX 1352	SMITHFIELD	NC	27577-1352
15077017A	168412-96-7033	ALLIED COMMERCIAL PROPERTIES	PO BOX 1761	SMITHFIELD	NC	27577-1761
15077008	168400-74-4498	KEENER LUMBER CO INC	1209 W MARKET ST	SMITHFIELD	NC	27577-2323
15077022A	168412-96-2134	KEENER LUMBER CO INC	1209 W MARKET ST	SMITHFIELD	NC	27577-2323
15077014A	169409-05-2678	JAEN, MAHALY	402 WILSONS MILLS RD	SMITHFIELD	NC	27577-3250
15077017	168412-95-1415	OTHERS	8 AFTON LN	SMITHFIELD	NC	27577-3621
15076014	168400-93-3800	JOHNSON, ROBERT L III	2505 CLEVELAND RD	SMITHFIELD	NC	27577-8290
15076012B	168400-83-5704	GLEN LAKE APARTMENTS LP	3924 BROWNING PL	RALEIGH	NC	27609-6509
15077011	168412-95-3333	CLASSIC CARE HOLDINGS, LLC	4203 CARDINAL GROVE BLVD	RALEIGH	NC	27616-8052
15077011I	168412-95-2174	CLASSIC CARE HOLDINGS, LLC	4203 CARDINAL GROVE BLVD	RALEIGH	NC	27616-8052
15076012	168400-93-1735	DENNING FAMILY TRUST #1	PO BOX 1058	BEACH	NC	28428-3606
15076012A	168400-73-8722	DENNING FAMILY TRUST #1	PO BOX 1058	BEACH	NC	28428-3606
15076012C	168400-83-9785	DENNING FAMILY TRUST #1	PO BOX 1058	BEACH	NC	28428-3606
		Natelli Communities	506 Main Street 3rd Floor	Gaithersburg	MD	20878
		Timmons Group	5410 Trnity Road Ste 102	Raleigh	NC	27607



PLANNING DEPARTMENT  
Mark E. Helmer, AICP, Senior Planner

**ADJOINING PROPERTY OWNERS CERTIFICATION**

I, **Mark E. Helmer**, hereby certify that the property owner and adjacent property owners of the following petition, **CZ-21-10**, were notified by First Class Mail on **11-19-21**.

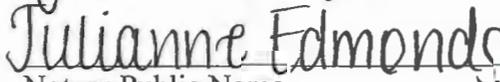
  
\_\_\_\_\_  
Signature

Johnston County, North Carolina

I, Julianne Edmonds, Notary Public for Johnston County and State of North Carolina do hereby certify that Mark E. Helmer personally appeared before me on this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the

19th day of November, 2021

  
\_\_\_\_\_  
Notary Public Signature

  
\_\_\_\_\_  
Notary Public Name

My Commission expires on January 15, 2023  
(Seal)







# Request for Town Council Action

Public  
Hearing: S-21-07  
Date: 12/07/2021

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Subject: Preliminary Plat  
Department: Planning Department  
Presented by: Planning Director - Stephen Wensman  
Presentation: Public Hearing

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## Issue Statement

Timmons Group is requesting the preliminary plat of Harvest Run a 45.67-acre residential subdivision in the R-8 Conditional Zone consisting of 165 lots; 96 detached single family residential lots and 69 attached single-family townhome lots.

## Financial Impact

The subdivision will **add to the town's tax base.**

## Action Needed

The Town Council is respectfully requested to hold a quasi-judicial public hearing to review the preliminary plat and decide whether to approve, approve with conditions or deny the plat.

## Recommendation

Planning Staff recommend approval of S-21-07 with 11-conditions based on the 4-finding of fact for preliminary subdivisions.

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff Report
2. Finding of Fact
3. Application
4. Preliminary Plat and Plans - Separate Attachment
5. Adjacent Property Owner Listing and Certification
6. Zoning Map



# Staff Report

Public Hearing: S-21-07

## REQUEST:

Timmons Group is requesting the preliminary plat of Harvest Run, a 45.67-acre residential subdivision in the R-8 Conditional Zone consisting of 165 lots, 96 detached single family residential lots and 69 attached single-family townhome lots.

## PROPERTY LOCATION:

The property is located on the north side of the NC Highway 210 approximately 225 feet west of its intersection with Skyland Drive.

## APPLICATION DATA:

Applicant:	Timmons Group
Property Owners:	Mary Strickland and Evelyn Story Andrews
Subdivision Name:	Harvest Run
Tax ID#	15077009 and 15077017
Rezoning Acreage:	45.67 acres.
Present Zoning:	R-20A
Proposed Zoning:	R-8 CZ
Existing Use:	Vacant Land
Proposed Use:	Attached single-family (townhouses) and detached single-family residential
Fire District:	Town of Smithfield
School Impacts:	Potential students
Parks and Recreation:	Park Dedication Fee in Lieu
Water and Sewer Provider:	Town of Smithfield
Electric Provider:	Town of Smithfield
Provided Open Space:	13.79 acres
Development Density:	3.61 D.U.A.
Roads:	6,471 Lin. Feet
Impervious:	16.41 acres (35.93%)
Riparian Buffer:	2.13 acres (4.66%)

## ADJACENT ZONING AND LAND USES: (see attached map)

	Zoning	Existing Land Uses
<b>North</b>	H-1 (Heavy Industrial)	Industrial
<b>South</b>	B-3 (Business) & R-20A (Residential/Agriculture)	Multi-family residential and vacant
<b>East</b>	B-3 (Business) and R-8	Commercial and Multi-family

	(Residential)	residential
<b>West</b>	R-8 (Residential) and R-20A (Residential/Agriculture)	Vacant (planned single-family/multi-family residential)

EXISTING CONDITIONS/ENVIRONMENTAL:

The property considered for approval is a mix of agricultural and woodland containing a blueline stream, two small wetland areas, a small pond, and areas within the 500-year flood zone.

PRELIMINARY PLAT/ANALYSIS:

An application to zone the subject property to R-8 CZ with a master plan is on the December 7, 2021 Town Council agenda. If the rezoning is approved, the preliminary plat needs to be substantially consistent with the approved master plan. Staff finds the preliminary plat consistent with the approved master plan (See CZ-21-10 Staff Report and Attachments).

FINDING OF FACT (Staff Opinion):

To approve a preliminary plat, the Town Council shall make the following finding (***staff's opinion in Bold/Italic***):

1. The plat is consistent with the adopted plans and policies of the town; *The plat is consistent with the adopted plans and policies of the town.*
2. The plat complies with all applicable requirements of this ordinance; *The plan complies with all applicable requirements of this ordinance and the R-8 Conditional Zoning District.*
3. There exists adequate infrastructure (transportation and utilities) to support the plat as proposed. *There is adequate infrastructure.*
4. The plat will not be detrimental to the use or development of adjacent properties or other neighborhood uses. *The plat will not be detrimental to the use or development of adjacent properties or other neighborhood uses.*

RECOMMENDATION FOR COUNCIL:

Planning Staff recommends approval of S-21-07 with the following conditions:

1. That the future preliminary plat and development plans for the subdivision be in accordance with the approved Master Plan, R-8 Zoning District, and UDO regulations with the with the following deviations:

Item	R-8 CZ
Streets	<b>29' wide b/b in 55' R/W</b>
Townhouse curb and gutter	Valley curbs in front of townhomes and within <b>10' of end unit.</b>

Townhouse Rear Setback	<b>15'</b>
Detached Single-family lot width	<b>55'</b>
Detached Single-family lot area	6,308 sq. ft.
Detached Single-family side setbacks	<b>6'</b>
Detached Single-family rear setbacks	<b>20'</b>
Building Separation	<b>20'</b>

2. That the parking lot entrances be constructed in **accordance with the town's** standard driveway detail.
3. That a revised landscape plan be provided that clearly articulates the types and locations of proposed landscaping including a landscaped berm with a privacy fence along NC Highway 210.
4. That the trail corridor to Market Street be dedicated as public right-of-way.
5. That the trash and recycling roll-off containers in the townhouse units be stored within a garage or within the rear yards.
6. That the architectural standards be incorporated into the HOA declarations.
7. That Road C between Road D and the boundary with Marin Woods be constructed **as a 34' wide b/b Street in a 60' public right-of-way.**
8. That the pedestrian trails between cul-de-sacs and to Marin Woods development be designed with a grade acceptable to the Town Engineer.
9. That Park dedication fee-in-lieu be paid prior to final plat in accordance with UDO Section 10.114.8.
10. That public utility service fees be paid in full prior to final plat.
11. That the HOA declarations and covenants be submitted for Town Attorney review prior to final plat.

RECOMMENDED MOTION:

***"move to approve the zoning map amendment, S-21-07, with 11 conditions of approval found in the Staff Report, based on the 4 finding of fact for preliminary subdivision"***

**Town of Smithfield  
Preliminary Plat  
Finding of Fact / Approval Criteria**

**Application Number:** S-21-07 **Project Name:** Harvest Run Subdivision

**Request:** The applicant seeks a preliminary plat of Harvest Run subdivision located within the R-8 CZ zoning district. The property considered for rezoning is located on the north side of NC Hwy 210 approximately 225 feet west of its intersection with Skyland Drive. The property is further identified as Johnston County Tax ID#s 15077009 and 15077017.

In approving an application for a preliminary plat in accordance with the principles, conditions, safeguards, and procedures specified herein, the Town Council may impose reasonable and appropriate conditions and safeguards upon the approval. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Town Council. The Town Council shall include in its comments a statement as to the consistency of the application with the Town's currently adopted Comprehensive Plan. The applicant has the burden of producing competent, substantial evidence tending to establish the facts and conditions which the below requires.

The Town Council shall issue a preliminary plat if it has evaluated an application through a quasi-judicial process and determined that:

1. The plan is consistent with the adopted plans and policies of the town;
2. The plan complies with all applicable requirements of this ordinance;
3. There exists adequate infrastructure (transportation and utilities) to support the plan as proposed; and
4. The plan will not be detrimental to the use or development of adjacent properties or another neighborhood uses

**Once all findings have been decided one of the two following motions must be made:**

**Motion to Approve:** *Based upon satisfactory compliance with the above stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative, I move to approve Preliminary Plat Application # S-21-07 with the following conditions:*

1. That the future preliminary plat and development plans for the subdivision be in accordance with the approved Master Plan, R-8 Zoning District, and UDO regulations with the with the following deviations:

Item	R-8 CZ
Townhouse Streets	29' <b>wide back</b> -to-back in front of units.
Townhouse curb and gutter	Valley curbs in front of <b>townhomes and within 10'</b> of an end unit

Townhouse Rear Setback	15'
Detached Single-family lot width	55'
Detached Single-family lot area	6,308 sq. ft.
Detached Single-family side setbacks	6'
Detached Single-family rear setbacks	20'

2. That the parking lot entrances be constructed in accordance with the town's standard driveway detail.
3. That a revised landscape plan be provided that clearly articulates the types and locations of proposed landscaping including a landscaped berm with a privacy fence along NC Highway 210.
4. That the trail corridor to Market Street be dedicated as public right-of-way.
5. That the trash and recycling roll-off containers in the townhouse units be stored within a garage or within the rear yards.
6. That decorative signs posts and street lighting be installed throughout the development.
7. That the development be constructed in accordance with the architectural standards provided in accordance with the rezoning master plan.
8. That a privacy fence be installed along the boundary with Keener Lumber to discourage trespassing.
9. That Street C connecting to Marin Woods be constructed as a 34' wide b/b Street.
10. That Park dedication fee-in-lieu be paid prior to final plat in accordance with UDO Section 10.114.8.
11. That public utility service fees be paid in full prior to final plat.
12. That the HOA declarations and covenants be submitted for Town Attorney review prior to final plat.

**Motion to Deny:** *Based upon failure to meet all of the above stated findings and for reasons stated therein, I move to deny Preliminary Plat Application #S-21-07 for the following stated reason:*

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**Record of Decision:**

**Based on a motion and majority vote of the Town of Smithfield Town Council for the Preliminary Plat Application # S-21-07 is hereby:**

**\_\_\_\_\_ approved upon acceptance and conformity with the following conditions:**

1. That the future preliminary plat and development plans for the subdivision be in accordance with the approved Master Plan, R-8 Zoning District, and UDO regulations with the with the following deviations:

Item	R-8 CZ
Townhouse Streets	29' <b>wide back</b> -to-back in front of units.
Townhouse curb and gutter	Valley curbs in front of <b>townhomes and within 10'</b> of an end unit
Townhouse Rear Setback	<b>15'</b>
Detached Single-family lot width	<b>55'</b>
Detached Single-family lot area	6,308 sq. ft.
Detached Single-family side setbacks	<b>6'</b>
Detached Single-family rear setbacks	<b>20'</b>

2. That the parking lot entrances be constructed in accordance with the town's standard driveway detail.
3. That a revised landscape plan be provided that clearly articulates the types and locations of proposed landscaping including a landscaped berm with a privacy fence along NC Highway 210.
4. That the trail corridor to Market Street be dedicated as public right-of-way.
5. That the trash and recycling roll-off containers in the townhouse units be stored within a garage or within the rear yards.
6. That decorative signs posts and street lighting be installed throughout the development.
7. That the development be constructed in accordance with the architectural standards provided in accordance with the rezoning master plan.
8. That a privacy fence be installed along the boundary with Keener Lumber to discourage trespassing.
9. That Street C connecting to Marin Woods be constructed as a 34' wide b/b Street.
10. That Park dedication fee-in-lieu be paid prior to final plat in accordance with UDO Section 10.114.8.
11. That public utility service fees be paid in full prior to final plat.

12. That the HOA declarations and covenants be submitted for Town Attorney review prior to final plat.

\_\_\_\_\_ denied for the noted reasons.

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**Decision made this 7th day of December 2021 while in regular session.**

\_\_\_\_\_  
**M. Andy Moore, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Shannan L. Parrish, Town Clerk**



**Town of Smithfield**

**Planning Department**

350 E. Market St Smithfield, NC 27577

P.O. Box 761, Smithfield, NC 27577

Phone 919-934-2116

Fax: 919-934-1134

**Preliminary Subdivision Application  
General Information**

Development Name **Harvest Run**

Proposed Use **Single Family Residential**

Property Address(es) **NC HWY 210**

Johnston County Property Identification Number(s) and Tax ID Number (s) for each parcel to which these guidelines will apply:

PIN# **168400-84-6775 & 168412-95-1415**

TAX ID# **15077009 & 15077017**

Project type?  Single Family  Townhouse  Multi-Family  Non-Residential  Planned Unit Development (PUD)

R-8 conditional residential subdivisions with single family detached units and attached townhome units

**OWNER/DEVELOPER INFORMATION**

Company Name **Natelli Communities**

Owner/Developer Name **Brian Massengill**

Address **506 Main Street, 3rd Floor Gaithersburg, Maryland 20878**

Phone **919-868-3102**

Email **brian@natelli.com**

Fax

**CONSULTANT/CONTACT PERSON FOR PLANS**

Company Name **Timmons Group**

Contact Name **Beth Blackmon**

Address **5410 Trinity Rd, Suite 102 Raleigh NC 27607**

Phone **919-866-4509**

Email **beth.blackmon@timmons.com**

Fax **919-859-5663**

**DEVELOPMENT TYPE AND SITE DATE TABLE (Applicable to all developments)**

**ZONING INFORMATION**

Zoning District(s) **R-8 conditional**

If more than one district, provide the acreage of each:

Overlay District?  Yes  No

Inside City Limits?  Yes  No

**FOR OFFICE USE ONLY**

File Number: \_\_\_\_\_ Date Submitted: 10/1/21 Date Received: \_\_\_\_\_ Amount Paid: \_\_\_\_\_

## Project Narrative

As part of a complete application, a written project narrative that provides detailed information regarding your proposal must be included. On a separate sheet of paper, please address each of the lettered items listed below (answers must be submitted in both hard copy and electronic copy using the Adobe .PDF or MS Word .DOCX file formats):

a) A listing of contact information including name(s), address(es) and phone number(s) of: the owner of record, authorized agents or representatives, engineer, surveyor, and any other relevant associates;

b) A listing of the following site data: Address, current zoning, parcel size in acres and square feet, property identification number(s) (PIN), and current legal description(s);

c) A listing of general information including: the proposed name of the subdivision, the number of proposed lots, acreage dedicated for open space or public use, acreage dedicated within rights of way;

d) A narrative explaining the intent of the project and/or your original or revised vision for the finished product;

e) A statement showing the proposed density of the project with the method of calculating said density shown;

f) Discuss proposed infrastructure improvements and phasing thereof (i.e. proposed roadways, sewer systems, water systems, sidewalks/trails, parking, etc.) necessary to serve the subdivision;

g) A narrative addressing concerns/issues raised by neighboring properties (discussing your proposal with the neighboring land owners is recommended to get a sense of what issues may arise as your application is processed);

h) A description of how conflicts with nearby land uses (livability, value, potential future development, etc.) and/or disturbances to wetlands or natural areas are being avoided or mitigated;

i) Provide justification that the proposal will not place an excessive burden on roads (traffic), sewage, water supply, parks, schools, fire, police, or other public facilities/services (including traffic flows) in the area;

j) A description of proposed parks and/or open space. Please include a brief statement on the proposed ownership and maintenance of said areas;

k) A proposed development schedule indicating the approximate date when construction of the project, or stages of the same, can be expected to begin and be completed (including the proposed phasing of construction of public improvements and recreational and common space areas).

### STORMWATER INFORMATION

Existing Impervious Surface <b>0.5 ac</b> acres/sf	Flood Hazard Area <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Proposed Impervious Surface <b>18 ac</b> acres/sf	Neuse River Buffer <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Watershed protection Area Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No	Wetlands <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

If in a Flood Hazard Area, provide the FEMA Map Panel # and Base Flood Elevation

### NUMBER OF LOTS AND DENSITY

Total # of Single Family Lots <b>96</b>	Overall Unit(s)/Acre Densities Per Zoning Districts <b>3.6 du/a</b>
Total # of Townhouse Lots <b>69</b>	Acreage in active open space
Total # of All Lots <b>165</b>	Acreage in passive open space

### SIGNATURE BLOCK (Applicable to all developments)

In filing this plan as the property owner(s), I/we do hereby agree and firmly bind ourselves, my/our heirs, executors, administrators, successors and assigns jointly and severally to construct all improvements and make all dedications as shown on this proposed subdivision plan as approved by the Town.

I hereby designate \_\_\_\_\_ to serve as my agent regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf, and to represent me in any public meeting regarding this application.

I/we have read, acknowledge, and affirm that this project is conforming to all application requirements applicable with the proposed development use.

Signature  dotloop verified 09/28/21 6:52 AM EDT WTTU-KFGU-PYTE-MXBL Date \_\_\_\_\_

Signature  dotloop verified 09/28/21 9:29 PM EDT B2LD-I603-X8R7-THTK Date \_\_\_\_\_

### REVIEW FEES

<input checked="" type="checkbox"/> Major Subdivision (Submit 7 paper copies & <b>1 Digital copy on CD</b> )	\$500.00 + \$5.00 a lot	<b>\$500 + \$5*165 = \$1,325</b>
<input type="checkbox"/> Minor Subdivision (Submit 4 paper copies & <b>1 Digital copy on CD</b> )	\$100.00 + \$5.00 a lot	
<input type="checkbox"/> Recombination Plat (Submit 2 paper copies & <b>1 Digital copy on CD</b> )	\$50.00	

### FOR OFFICE USE ONLY

File Number: \_\_\_\_\_ Date Submitted: \_\_\_\_\_ Date Received: \_\_\_\_\_ Amount Paid: \_\_\_\_\_



Town of Smithfield  
 Planning Department  
 350 E. Market St Smithfield, NC 27577  
 P.O. Box 761, Smithfield, NC 27577  
 Phone: 919-934-2116  
 Fax: 919-934-1134

**OWNER'S CONSENT FORM**

Name of Project: Harvest Run Submittal Date: 10/01/2021

**OWNERS AUTHORIZATION**

I hereby give CONSENT to \_\_\_\_\_ (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge the property I have an ownership interest in the subject of this application. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Smithfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

*Evelyn Story Andrews*  
dotloop verified  
 09/28/21 6:53 AM EDT  
 QCKE-LHAQ-TXMI-3VVK

Evelyn Story Andrews

*Signature of Owner*

*Print Name*

*Date*

*Walton Davis Parker, III*  
dotloop verified  
 09/28/21 9:15 PM EDT  
 N4LF-ZD6Q-2UQV-B25G

Walton Davis Parker, III

**CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER**

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.

*Beth Blackman*  
*Signature of Owner/Applicant*

Beth Blackman  
*Print Name*

9/29/21  
*Date*

**FOR OFFICE USE ONLY**

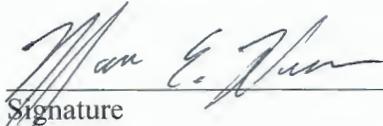
File Number: \_\_\_\_\_ Date Received: 10/1/21 Parcel ID Number: \_\_\_\_\_



**PLANNING DEPARTMENT**  
Mark E. Helmer, AICP, Senior Planner

**ADJOINING PROPERTY OWNERS CERTIFICATION**

I, Mark E. Helmer, hereby certify that the property owner and adjacent property owners of the following petition, S-21-07, were notified by First Class Mail on 11-19-21.

  
\_\_\_\_\_  
Signature

Johnston County, North Carolina

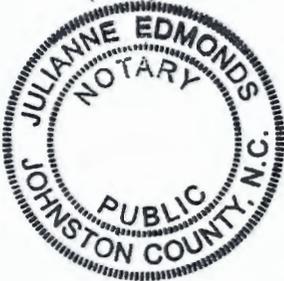
I, Julianne Edmonds, Notary Public for Johnston County and State of North Carolina do hereby certify that Mark E. Helmer personally appeared before me on this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the

19th day of November, 2021

  
\_\_\_\_\_  
Notary Public Signature

  
\_\_\_\_\_  
Notary Public Name

My Commission expires on January 15, 2023  
(Seal)



Adjacent Property Owners of

S-21-07

TAG	PIN	NAME	ADDRESS	CITY	E	ZIPCODE
15077015	169409-05-2823	MCLEOD, AMELIA MASSENGILL	210 S SMITH ST	CLAYTON	NC	27520-2537
15077010	168400-94-2024	YASSEN INVESTMENTS, INC.	601 W ASH ST	GOLDSBORO	NC	27530-3525
15077014B	169409-05-0589	ANRAN PARTNERSHIP	P O BOX 531	SMITHFIELD	NC	27577-0000
15077011A	168400-94-3645	PINE KNOLL HOUSING ASSOC	P O BOX 1187	SMITHFIELD	NC	27577-0000
15077018	168412-96-8305	CROCKER, GLENWOOD P	P O BOX 1202	SMITHFIELD	NC	27577-0000
15077019	168412-96-6374	CROCKER, GLENWOOD P	P O BOX 1202	SMITHFIELD	NC	27577-0000
15077041	168412-95-8756	1023 WEST MARKET LLC	PO BOX 708	SMITHFIELD	NC	27577-0708
15077011H	168412-95-4294	M DURWOOD STEPHENSON & ASSOC	PO BOX 1187	SMITHFIELD	NC	27577-1187
15078199J	169409-06-2518	BERKSHIRE ROAD I LLC	P O BOX 1187	SMITHFIELD	NC	27577-1187
15084001	169409-06-6525	TWIN STATES FARMING INC	P O BOX 1352	SMITHFIELD	NC	27577-1352
15L11006	169409-06-1658	TWIN STATES FARMING INCORP	P O BOX 1352	SMITHFIELD	NC	27577-1352
15077017A	168412-96-7033	ALLIED COMMERCIAL PROPERTIES	PO BOX 1761	SMITHFIELD	NC	27577-1761
15077008	168400-74-4498	KEENER LUMBER CO INC	1209 W MARKET ST	SMITHFIELD	NC	27577-2323
15077022A	168412-96-2134	KEENER LUMBER CO INC	1209 W MARKET ST	SMITHFIELD	NC	27577-2323
15077014A	169409-05-2678	JAEN, MAHALY	402 WILSONS MILLS RD	SMITHFIELD	NC	27577-3250
15077017	168412-95-1415	ANDREWS, EVELYN STORY AND OTHERS	8 AFTON LN	SMITHFIELD	NC	27577-3621
15076014	168400-93-3800	JOHNSON, ROBERT L III	2505 CLEVELAND RD	SMITHFIELD	NC	27577-8290
15076012B	168400-83-5704	GLEN LAKE APARTMENTS LP	3924 BROWNING PL	RALEIGH	NC	27609-6509
15077011	168412-95-3333	CLASSIC CARE HOLDINGS, LLC	4203 CARDINAL GROVE BLVD	RALEIGH	NC	27616-8052
15077011I	168412-95-2174	CLASSIC CARE HOLDINGS, LLC	4203 CARDINAL GROVE BLVD	RALEIGH	NC	27616-8052
15076012	168400-93-1735	DENNING FAMILY TRUST #1	PO BOX 1058	BEACH	NC	28428-3606
15076012A	168400-73-8722	DENNING FAMILY TRUST #1	PO BOX 1058	BEACH	NC	28428-3606
15076012C	168400-83-9785	DENNING FAMILY TRUST #1	PO BOX 1058	BEACH	NC	28428-3606
		Natelli Communities	506 Main Street 3rd Floor	Gaithersburg	MD	20878
		Timmons Group	5410 Trnity Road Ste 102	Raleigh	NC	27607



# Request for Town Council Action

Public  
Hearing: CZ-21-11  
Date: 12/07/2021

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Subject: Conditional Zoning Map Amendment  
Department: Planning Department  
Presented by: Planning Director - Stephen Wensman  
Presentation: Public Hearing

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## Issue Statement

R&R Development of NC, LLC is requesting a conditional rezoning of 15.9-acres of land from R-20A and R-8 to R-8 CZ with a master plan for a planned development consisting of 134 attached single-family townhome lots.

## Financial Impact

The subdivision will **add to the town's tax base.**

## Action Needed

The Town Council is respectfully requested to review the conditional rezoning request to and to decide whether to approve, approve with conditions, or deny.

## Recommendation

Planning Staff and the Planning Board recommends approval of CZ-21-11 with 12 conditions 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

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff report
2. Consistency Statement
3. Application
4. Master Plan – Separate Attachment
5. Adjacent Property Owners Listing and Certification
6. Zoning Map



# Staff Report

Public CZ-  
Hearing: 21-11

## REQUEST:

R&R Development of NC, LLC is requesting a conditional rezoning of 15.9-acres of land from R-20A and R-8 to R-8 CZ with a master plan for a planned development consisting of 134 attached single-family townhome lots.

## PROPERTY LOCATION:

The property is located southeast of Wilson’s Mills Road and M. Durwood Stephenson Parkway.

## APPLICATION DATA:

Applicant:	R&R Development of NC, LLC
Property Owners:	Market Street 1500, LLC
Subdivision Name:	Franklin
NC Pin#	169406-29-7604
Rezoning Acreage:	15.9 acres.
Present Zoning:	R-20A/R-8/WS-IV-CA Overlay
Proposed Zoning:	R-8 CZ/ WS-IV-CA Overlay
Existing Use:	Vacant Farmland
Proposed Use:	Attached Single-Family Townhomes
Fire District:	Town of Smithfield
School Impacts:	Potential students
Parks and Recreation:	Park Dedication Fee in Lieu
Water and Sewer Provider:	Town of Smithfield
Electric Provider:	Town of Smithfield
Provided Open Space:	235,685 sq. ft (34%)
Development Density:	8.43 D.U.A.(max allowed 9.68)
Roads:	3,119 Lin. Feet

## ADJACENT ZONING AND LAND USES: (see attached map)

	Zoning	Existing Land Uses
<b>North</b>	N/A	M. Durwood Stephenson Highway
<b>South</b>	R-10	Institutional use and Detached Single-Family Residential
<b>East</b>	R-10	Detached Single-Family Residential
<b>West</b>	R-10	Detached Single-Family Residential

## EXISTING CONDITIONS/ENVIRONMENTAL:

The property considered for approval is agricultural with some woody vegetation along the perimeter. There are neighbor encroachments onto the development parcel, fences and a building that should be addressed with the development of the site. The applicant has indicated that all the encroachments will be removed except for a portion of the church driveway which encroaches only a few feet. There is no wetlands or other environmental features on the site.

## MASTER PLAN/ANALYSIS:

- Comprehensive Land Use Plan and Density. **The Town's** Comprehensive Growth Management Plan guides the site for medium density residential which has a maximum density of 9.61 dwelling units per acre. The proposed development is 8.43 dwelling units per acre.
- Site Access. The primary access to the development will be off of **Wilson's Mills Road** about 440 feet south of the centerline of M. Durwood Stephenson Parkway as required by NCDOT. A secondary access will be off of Sunrise Avenue which is a requirement of Fire Code.
- Streets. **The Streets within the development are proposed to be 27' wide b/b in a 50' public right-of-way. The Town's standard street is a 34' wide b/b street in a 60' public right of way.** The **27' wide streets** were chosen to discourage on-street parking. The applicant has indicated the HOA will restrict on-street parking. The street widths represent **a deviation from the Town's standard street** detail.
- Highway Improvements. **The developer is providing a 10' public right-of-way dedication for the widening of Wilson's Mills Road and restriping near the entrance drive** the road area to accommodate the new road as required by NCDOT.
- Curb and gutter. Valley curbs are proposed throughout the Franklin development; **whereas the Town's standard is a B6-12 curb and gutter.** In several recent development approvals, the Town Council has allowed valley curbs in front of townhouses and within **10' of the end unit.** If this standard were implemented with the Franklin development B6-12 curb and gutter would be used for **the first 60 feet of the entrance drive off Wilson's Mills Road,** along the entrance drive off Sunrise, around the park area, the cul-de-sac and around/in the off-street parking areas. The use of valley curb represents a deviation from **the Town's standard curb and gutter.**
- Site Amenities. A private neighborhood open space/park with a pergola and fire pit, playground, 18 space parking lot, mailbox kiosk of about  $\frac{3}{4}$  acres in size. Also, a dog park and walking trail loop is proposed around the stormwater pond facility. The developer plans to include decorative street lamps throughout the development.
- Sidewalks. A five-foot-wide concrete sidewalk is **proposed along Wilson's Mills Road** frontage and on one side of the public streets as required by the UDO.

- Landscaping and Buffering.
  - **The developer is proposing a 10' wide** Type A landscaped buffer **with a 6' opaque** perimeter fence adjacent to existing residential properties. No fence detail has been provided.
  - **The continuous 10' wide Type A buffer with an opaque** perimeter fence will continue behind Building F to deter Franklin residents from using the open space between Parcel ID 15083045 and Parcel ID 15083044A. There will be a gate access with a lock for maintenance access only.
  - The buffer behind buildings A-C will have double the required plantings where the Townhouses are closer to the property boundary (the rear yards range in depth from **15' – 20'** and the landscape buffer is 10 wide). Additional plantings have been added behind buildings H-I.
  - **The Planning Board recommended a landscaped berm along Wilson's Mills Road** and the developer has agreed. Staff recommends a fence or opaque landscaping with the berm to screen back yards along the highway.
  - Section 8.13.1 Multi-Family Dwellings requires a **40' spatial** buffer (townhouses are considered multi-family in the UDO, although a single-family product). Recently approved developments have provided varying buffers from adjacent property (**Floyd's Landing – 100', Whitley Townes – 25', Marin Woods – 15'**). This may be considered a deviation from the UDO requirements.
  - Townhouse unit landscaping:
    - Center units will have 6 shrubs
    - Center end units will have 9 shrubs and a small upright evergreen tree
    - Road end units will have a mix of 13 plants consisting of shrubs, evergreen trees.
- Tree Preservation. The developer has indicated that some existing perimeter trees will be preserved with the construction. A tree survey was provided, but it is unclear which trees will be preserved after development. The UDO provides for some credit for trees preserved.
- Utilities.
  - The development will be served by Town water and sewer. There exists Town gravity **sanitary sewer and water mains in both Wilson's Mills Road and Sunrise Avenue.**
  - There is currently enough sewer capacity to serve this project, although the Town has about reached its capacity limits with all the developments currently proposed.
  - The west side of Smithfield is within the Duke Energy service area.
- Stormwater Management. The site is within the WS-IV-CA (Watershed Critical Area Overlay District) and is required to manage stormwater to a higher standard than

elsewhere in the Town. The developer has shown a stormwater management facility in the northeast corner of the site.

- Trash and Recycling. Individual townhouse lots are configured such that some lots have no access to their back yards except through the dwelling. This limits the ability to store trash and recycling in the rear yards. Storage of trash and recycling rolloffs within a garage or rear yards should be made a condition of approval.
- Subdivision Signs. **A monument sign is proposed adjacent the main entry on Wilson's Mills Road** in the common open space.
- **Homeowner's Association.** An HOA will own and maintain the recreation and open space areas, stormwater facilities, trails and landscaping on townhouse front and side yards and HOA property.
- Townhouses. The applicant is proposing 134 townhouse lots in a mix of 3-, 4-, 5- and 6-unit buildings.
  - Minimum Lot Dimensions and Size. The minimum lot size is 1,800 sq. ft. **the minimum lot width is 20' and lot depth is 90'. The smallest lots are associated with buildings A-C. The remainder of the lots are larger with a typical depth of 100'. End lots have a width of 25'**
  - Setbacks.
    - Front – 30'. Setback from Wilsons Mills Road – **50'**. This matches the R-8 setback requirement.
    - Rear - **15'**. Most of the lots meet the **R-8 rear setback requirement of 25'** except for the lots in buildings A-C and Y. Building Y has ample open space behind the rear yards, but buildings A-C **have 15' rear yards up against the proposed 10' buffer. The townhouse walls alternate between 25' and 30' from the development boundary.** The reduced rear setbacks on lots A-C and Y represent deviations from the UDO.
    - Corner side – 15'.
  - Building Separation. Section 8.13.1.2 requires multi-family buildings to have a **separation of 40'**. **The developer is showing a minimum separation of 20'** similar to other recent approved townhouse projects. This represents a deviation from the UDO requirements.
  - Building Heights. The developer is proposing 3 story townhomes with a **building height of 39'-6 1/4" which exceeds the maximum building height of the 35'.** This represents a deviation from the UDO requirements.
  - Townhouse Unit Sizes/Estimated Sales Price. The developer has shown two townhome types:

- The Rose - 2,106 sq. ft. -\$275,000
- The Akamatsu. 1,792 sq. ft. - \$250,000
- Parking.
  - Each unit can park up to 3 cars per unit; one in the garage and two stacked in **a driveway. With a 30' setback, there may be some encroachment into the public sidewalk with larger vehicles.** The Planning Board recommended a reduced utility strip **(from 5' to 3')** to alleviate parking encroachments in the public right-of-way.
  - The development provides 45 overflow/guest parking spaces between 3 parking lots. There are 18 spaces in the central park area, 18 spaces in the cul-de-sac lot and 9 in the dog park lot.
  - Total parking = 3.33 parking spaces per unit. UDO requires 2 per unit. The parking exceeds the UDO standard.
  - There is adequate overflow parking although it is not convenient for all units.
- Architectural Standards. The developer has not provided proposed architectural standards in writing; however, the two identified townhome models come in a type A or B.
  - The townhome facades show a mix of shakes, lap and board and batten siding. Covered entryways and some second story balconies. Windows show a mix of mullion types, some with shutters. Single-car garages have decorative doors with divided windows.
  - The rear elevations of the townhomes have a small second story deck over the rear sliding doors and patio area.
  - No details have been shown for end units.

CONDITIONAL ZONING:

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

Item	R-8/UDO	R-8 CZ
Streets & right-of-way	34' <b>wide</b> b/b in 60' R/W <b>with 5' utility strip</b>	27' <b>wide</b> b/b in 50' R/W <b>with 3' utility strip</b>
Curb and gutter	B6-12 curbs	Valley curbs
Rear setback	25'	<b>15'</b>

Perimeter buffer	40'	10'
Building separation	40'	20'
Building height	35'	39'-6 1/4"

- Proposed Improvements Exceeding UDO requirements:
  - Parking at 3.3 spaces per dwelling
  - **6' opaque** perimeter fence
  - Enhanced landscaping behind units A-C and H-I
  - Open space/recreational amenities exceed UDO standards.
  - Architectural Standards
  - Landscaped berm (and fence or opaque landscaping) **along Wilson's Mills Road.**
  - Decorative street lamps.

CONSISTENCY STATEMENT (Staff Opinion):

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

- Consistency with the Comprehensive Growth Management Plan – *the comprehensive plan supports flexibility in zoning regulations and the master plan complies with the medium density guidance.*
- Consistency with the Unified Development Code – *the property will be developed in conformance with the UDO conditional zoning provisions.*
- Compatibility with Surrounding Land Uses - *The property considered for rezoning will be compatible with the surrounding land uses.*

RECOMMENDATION:

Planning Staff recommends approval of CZ-21-11 with the following conditions:

1. That the future preliminary plat and development plans for the subdivision be in accordance with the approved Master Plan, R-8 Zoning District, and UDO regulations with the with the following deviations:

Item	R-8 CZ
Streets & right-of-way	<b>27' wide back-to-back in 50' R/W with 3' utility strip</b>
Curb and gutter	Valley curbs in front of <b>units and within 10' of an end unit.</b>

Rear setback	15'
Perimeter buffer	10'
Building separation	20'
Building height	39'-6 1/4"

2. That the **parking lot entrances be constructed in accordance with the town's standard driveway detail.**
3. That a tree preservation plan be provided that identifies the trees to be removed and preserved.
4. That the trash and recycling roll-off containers in the townhouse units be stored within a garage or within the rear yards.
5. That B6-12 curb and gutter be installed except in front of Townhouse units and within 10 feet of an end unit where a valley curb will be allowed.
6. That the landscape plan be amended to include a plant schedule indicating the type, number and size of proposed trees, mulch type and planting bed edges, and any required replacement trees.
7. That a landscaped berm with a privacy fence or opaque planting be installed along **the Wilson's Mills Road frontage.**
8. That structures encroaching on the development property be removed except for the church driveway.
9. That architectural standards be included in the HOA declarations.
10. That an HOA be responsible for the ownership and maintenance of all common amenities including landscaping, including front and side yard landscaping, the stormwater SCM, parking lots, recreational amenities, and open space.
11. That a prohibition of street parking be incorporated into the HOA declarations.
12. That the **5' sidewalk within the development be installed 3' off the back of the curb with the remaining 2' feet of grass strip to be adjacent to the public right-of-way line.**

RECOMMENDED MOTION:

***"move to approve the zoning map amendment, CZ-21-11, with the 12 conditions of approval, finding the rezoning 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 TOWN OF SMITHFIELD  
UNIFIED DEVELOPMENT ORDINANCE  
ZONING MAP AMENDMENT CONSISTENCY STATEMENT  
BY THE SMITHFIELD TOWN COUNCIL  
CZ-21-11**

**Whereas** the Smithfield Town Council, upon acting on a zoning map amendment to the *Unified Development Ordinance* and pursuant to NCGS §160A-383, is required to approve a statement describing how the action is consistent with the Town of Smithfield *Comprehensive Growth Management Plan*; and

**Whereas** the Smithfield Town Council, upon acting on a zoning map amendment to the *Unified Development Ordinance* and pursuant to NCGS §160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

**NOW THEREFORE, BE IT ADOPTED BY THE SMITHFIELD TOWN COUNCIL AS APPROPRIATE:**

**IN THE EVENT THAT THE MOTION TO RECOMMEND THE ORDINANCE IS ADOPTED,**

That the Town Council recommendation regarding text amendment CZ-21-11 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Town Council and information provided at the public hearing; and

It is the objective of the Town of Smithfield Town Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The zoning map amendment promotes this by offering fair and reasonable regulations for the citizens and business community of the Town of Smithfield as supported by the staff report and attachments provided to the Town Council and information provided at the public hearing. Therefore, the amendment is reasonable and in the public interest.

**IN THE EVENT THAT THE MOTION TO RECOMMEND THE ORDINANCE FAILS,**

That the final recommendation regarding zoning map amendment CZ-21-11 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

It is the objective of the Town Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The zoning map amendment does not promote this and therefore is neither reasonable nor in the public interest.



Town of Smithfield  
 Planning Department  
 350 E. Market St Smithfield, NC 27577  
 P.O. Box 761, Smithfield, NC 27577  
 Phone: 919-934-2116  
 Fax: 919-934-1134

**REZONING APPLICATION**

*Pursuant to Article 4, Section 4-1 of the Unified Development Ordinance, proposed amendments may be initiated by the Town Council, Planning Board, Board of Adjustment, members of the public, or by one or more interested parties. Rezoning applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached), (1) electronic submittal and the application fee.*

Name of Project: Franklin Smithfield Towns Acreage of Property: 15.9 ac  
 Parcel ID Number: 15083049 E Tax ID: NCPIN 169406-29-7604  
 Deed Book: 04643 Deed Page(s): 0450  
 Address: 0 Wilsons Mill Road  
 Location: Corner of Wilsons Mills Road and M Durwood Stephenson Parkway

Existing Use: Vacant Proposed Use: Residential Townhomes  
 Existing Zoning District: R-20A  
 Requested Zoning District R-8 CZ  
 Is project within a Planned Development:  Yes  No  
 Planned Development District (if applicable): \_\_\_\_\_  
 Is project within an Overlay District:  Yes  No  
 Overlay District (if applicable): WS-IV CA

**FOR OFFICE USE ONLY**

File Number: CZ-21-11 Date Received: 10/1/21 Amount Paid: \$559

**OWNER INFORMATION:**

Name: Market Street 1500 LLC

Mailing Address: PO Box 2346 Smithfield, NC 27577-2346

Phone Number: Fax:

Email Address:

**APPLICANT INFORMATION:**

Applicant: R&R Development of NC, LLC

Mailing Address: 1611 Jones Franklin Road, SUite 101, Raleigh, NC 27606

Phone Number: 919-446-6865 Fax:

Contact Person: Rob Bailey

Email Address: rob.bailey@reliabuilt.biz

**REQUIRED PLANS AND SUPPLEMENTAL INFORMATION**

*The following items must accompany a rezoning application. This information is required to be present on all plans, except where otherwise noted:*

- A map with metes and bounds description of the property proposed for reclassification.
- A list of adjacent property owners.
- A statement of justification.
- Other applicable documentation: \_\_\_\_\_

**STATEMENT OF JUSTIFICATION**

*Please provide detailed information concerning all requests. Attach additional sheets if necessary.*

Franklin, an attached residential townhome community, is seeking approval for a 134 unit neighborhood within the Medium Density designation of the Smithfield Town Plan Future Land Use Map. The neighborhood is in greater conformance with the plans density st 8.4 dwelling units per acre. Franklin also is in conformance with the Plan guidelines for a "more compact urban form" in areas where Town utilities are available. Town homes in this location, we feel, offer the more compact form while transitioning density from the more low-medium residences located on Sunrise Avenue and Hillcrest to the controlled access parkway of the Stephenson Parkway to the north. Franklin also complies with other goals and policies of the Plan for tree preservation, healthy neighborhoods with active amenities, access to parks and open space by locating them up front and center to the neighborhood, street trees located within proper tree lawns instead of "yard trees". Franklin is requesting deviations to the Unified Development Ordinance for the following items; side, corner side and rear yard setbacks, street section design, building separation. It is in our opinion that items offered in mitigation of these deviations offset any impacts from the deviations; increased buffer plantings, increased setbacks and separations where appropriate or allowed, maintaining of significant trees along Stephenson Parkway, additional open space, recreational amenities on site, decorative street lighting adjacent to amenity areas, increased setback/buffer areas adjacent to existing homes along Sunrise Avenue and activating the stormwater pond with walking trail and dog park.

**APPLICANT AFFIDAVIT**

*I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Smithfield to approve the subject zoning map amendment. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.*

ROBERT BAILEY  
Print Name

  
Signature of Applicant

9.30.21  
Date



Town of Smithfield  
 Planning Department  
 350 E. Market St Smithfield, NC 27577  
 P.O. Box 761, Smithfield, NC 27577  
 Phone: 919-934-2116  
 Fax: 919-934-1134

**OWNER'S CONSENT FORM**

Name of Project: Smithfield Towns

Submittal Date: \_\_\_\_\_

**OWNERS AUTHORIZATION**

I hereby give CONSENT to R&R Development Group of NC, LLC (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge the property I have an ownership interest in the subject of this application. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Smithfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

*Patrick Heavner*      Patrick Heavner      9/14/2021  
 Signature of Owner      Print Name      Date  
MARKET STREET 1500 LLC

**CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER**

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.

*Patrick Heavner*      Patrick Heavner      9/14/2021  
 Signature of Owner/Applicant      Print Name      Date  
MARKET STREET 1500 LLC

**FOR OFFICE USE ONLY**

File Number: \_\_\_\_\_ Date Received: \_\_\_\_\_ Parcel ID Number: \_\_\_\_\_

Adjacent Property Owners of  
CZ-21-11

TAG	PIN	NAME1	ADDRESS1	CITY	STATE	ZIPCODE
15083058A	169405-29-0377	SMITHFIELD FIRST PENTECOSTAL				00000-0000
15090032	169405-19-8656	JAEN, EZEQUEL	9691 US 70 HWY W	CLAYTON	NC	27520-3020
15K09161B	169518-30-0197	HANSLEY, JERRY JR. LIFE ESTATE	176 LAKEVIEW HILLS DR	FOUR OAKS	NC	27524-9213
15083051	169405-29-1983	ALLIED RESIDENTIAL PROP LLC	PO BOX 1761	SMITHFIELD	NC	27577
		Market Street 1500 LLC	PO Box 2436	Smithfield	NC	27577
15083045	169406-29-7164	STRICKLAND, BEVERLY H	301 SUNRISE AVE	SMITHFIELD	NC	27577-0000
15083054	169406-39-5607	BRYANT, OLIVE	101 POPLAR DR	SMITHFIELD	NC	27577-0000
15083043	169405-29-3287	VILLAGOMEZ, VICTOR	201 SUNRISE AVENUE	SMITHFIELD	NC	27577-0000
15083040	169405-29-3006	BOONE, GREGORY C	200 SUNRISE AVE	SMITHFIELD	NC	27577-0000
15083046	169406-29-8150	BRADLEY, ANA M	303 SUNRISE AVENUE	SMITHFIELD	NC	27577-0000
15083059	169406-39-1271	CAGLE, LINDA	401 HILLCREST DR	SMITHFIELD	NC	27577-0000
15K09195A	169518-40-3558	TOWN OF SMITHFIELD	PO Box 761	SMITHFIELD	NC	27577-0761
15083049E	169406-29-7604	MARKET STREET 1500 LLC	PO BOX 2346	SMITHFIELD	NC	27577-2346
15090031	169405-19-8525	JAEN, MAHALY LOPEZ	402 WILSONS MILLS RD	SMITHFIELD	NC	27577-3250
15K09161M	169517-10-3170	STEVENS, IRENE SMITH LIFE ESTATE	690 W MARKET ST	SMITHFIELD	NC	27577-3325
15083026	169406-28-6948	MATHENY, AUSTIE	207 CLOVERDALE DR	SMITHFIELD	NC	27577-3506
15083048B	169406-39-1160	HARPER, ALLEN S	303 HILLCREST DR	SMITHFIELD	NC	27577-3512
15083049C	169406-39-2408	BRITT, WILMOTN	405 HILLCREST DR	SMITHFIELD	NC	27577-3514
15083058	169405-29-2334	LOPEZ, LAWRENCE ANTHONY	103 SUNRISE AVE	SMITHFIELD	NC	27577-3520
15083039	169405-29-2019	THORNE, JOSEPH E	104 SUNRISE AVE	SMITHFIELD	NC	27577-3521
15083056	169405-29-4252	ELLIS, EDDIE LEE JR	203 SUNRISE AVE	SMITHFIELD	NC	27577-3522
15083044A	169406-29-6129	ALLEN, STEPHEN	207 SUNRISE AVE	SMITHFIELD	NC	27577-3522
15083044	169406-29-5250	BYRD, WILLIAM E	205 SUNRISE AVE	SMITHFIELD	NC	27577-3522
15083047	169406-29-9057	BUNIN, JAMES HAROLD	305 SUNRISE AVE	SMITHFIELD	NC	27577-3524
15083048	169406-39-0043	WHITE, DAVID MORRIS	307 SUNRISE AVE	SMITHFIELD	NC	27577-3524
15083048A	169406-38-1947	BARNES REAL PROPERTY LLC	702 CHESTNUT DR	SMITHFIELD	NC	27577-3836
15K09161F	169405-19-9836	ALLEN, CHRISTINE J.	1005 WILSONS MILLS RD	SMITHFIELD	NC	27577-5530
15K09161	169517-10-8333	MCKINNEY, MARK	924 BROADHAVEN DR	RALEIGH	NC	27603-7823
		R&R Development of NC, LLC	1611 Jones Farnklin Road Ste 101	Raleigh	NC	27606
15K09161C	169518-20-5204	TDRLEGAL PROPERTY MANAGEMENT, LLC	PO Box 966	DURHAM	NC	27702-0966



**PLANNING DEPARTMENT**  
Mark E. Helmer, AICP, Senior Planner

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**ADJOINING PROPERTY OWNERS CERTIFICATION**

I, Mark E. Helmer, hereby certify that the property owner and adjacent property owners of the following petition, CZ-21-11, were notified by First Class Mail on 11-19-21.

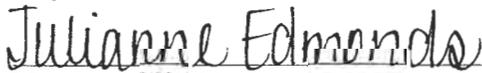
  
\_\_\_\_\_  
Signature

Johnston County, North Carolina

I, Julianne Edmonds, Notary Public for Johnston County and State of North Carolina do hereby certify that Mark E. Helmer personally appeared before me on this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the

19th day of November, 2021

  
\_\_\_\_\_  
Notary Public Signature

  
\_\_\_\_\_  
Notary Public Name

My Commission expires on January 15, 2023



# 1000 Block of Wilson's Mills Road



**File Number:**  
CZ-21-11

**Project Name:**  
Franklin Towns

**Location:**  
Wilson's Mills Rd &  
M Durwood  
Stephenson Parkway

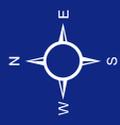
**Tax ID#:**  
15083049E

**Existing Zoning:**  
R-8 & R-20A  
(Residential)

**Proposed Zoning:**  
R-8 CZ  
(Conditional Zoning)

**Owner:**  
Market Street 1500 LLC

**Applicant:**  
R&R Development  
of NC, LLC



1 in = 250 ft

Map created by the Mark E. Helmer, AICP  
Senior Planner, GIS Specialist on 10/28/2021



# Request for Town Council Action

Public  
Hearing: ZA-21-07  
Date: 12/07/2021

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Subject: Appointed Board Ethics Ordinance  
Department: Planning Department  
Presented by: Planning Director – Stephen Wensman  
Presentation: Public Hearing

---

## Issue Statement

Staff and the Planning Board requests the Town Council to hold a public hearing to review a Unified Development Ordinance (UDO) amendment to Section 3.2.1. Ethics to better align it with State statutes as it pertains to appointed boards.

## Financial Impact

None

## Action Needed

The Town Council should hold a public hearing and decide whether to approve, approve with changes, or deny the proposed amendment.

## Recommendation

Staff and the Planning Board recommend the Town Council approve UDO amendment, ZA-21-07, with a statement finding it 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.

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff Report
2. Proposed Ordinance
3. Consistency Statement
4. Application
5. N.C.G.S. 14-234 and N.C.G.S. 160D-109



# Staff Report

Public  
Hearing: ZA-21-07

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## OVERVIEW:

On January 5, 2021, the Town Council adopted amendments to the Unified Development Ordinance (UDO) to comply with NCGS 160D. These amendments included an amendment to Section 3.2 Ethics which was more restrictive than State statutes. This draft amendment more closely aligns Section 3.2 with N.C.G.S. 14-234 and N.C.G.S. 160D-109.

## ANALYSIS:

The UDO amendment to Section 3.2 Ethics updated the ethics requirements for appointed boards to follow NCGS 160D legislation, however the adopted Town ordinance did not consider exceptions found in the statutes which as a result effectively prohibits any Town Council appointed board member from having a contract with the Town of Smithfield whether the appointed board member had any influence over the contract or not. Currently, one or **more of the Town's appointed board members are in violation of the Town's ethics regulations, making them ineligible for reappointed.** The proposed amendment to Section **3.2 remedies this by making the Town's ordinance better aligned with State statutes.**

## CONSISTENCY STATEMENT (STAFF OPINION):

Staff finds the zoning text amendment as proposed consistency 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 and the Planning Board recommend the Town Council approve zoning text amendment ZA-21-07 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.

## STAFF RECOMMENDED MOTION:

Staff recommends the following motion:

**"move to approve of zoning text amendment, ZA-21-07, 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."**

**DRAFT ORDINANCE # ZA-21-07**  
**AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD**  
**UNIFIED DEVELOPMENT ORDINANCE**  
**ARTICLE 3, SECTION 3.2 ETHICS**

**WHEREAS**, the Smithfield Town Council wishes to amend certain provisions in the Unified Development Ordinance by making changes to the Town of Smithfield Unified Development Ordinance to permit short-term rentals in certain zoning districts with supplemental standards.

**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:

**PART 1**

[Revise Article 3, Section 3.2 Ethics]

**SECTION 3.2 ETHICS.**

*3.2.1. Ethics.*

**3.2.1.1 Prohibitions.** As prohibited GS 14-234, the prohibitions of which are too numerous to duplicate herein, but are incorporated herein, no public officer or employee may:

**3.2.1.1.1 Derive A Direct Benefit.** Appointed board members shall not derive a direct benefit from a contract ~~with the town~~ for which they were or are to be in the chain of command making decisions affecting that contract. One has a direct benefit fit from the contract if he or she or his or her spouse has more than a 10 percent ownership or other interest in an entity that is a party to the contract, derives any income or commission directly from the contract, or acquires property under the contract (G.S. 14-234 (a1) (4))

**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.

Duly adopted this the \_\_\_\_ day of November 2021.

---

M. Andy Moore, Mayor

ATTEST

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Shannan L. Parrish, Town Clerk

DRAFT

THE TOWN OF SMITHFIELD  
UNIFIED DEVELOPMENT ORDINANCE  
AMENDMENT CONSISTENCY STATEMENT  
BY THE SMITHFIELD TOWN COUNCIL  
ZA-21-07

Whereas the Smithfield Town Council, upon acting on a zoning ordinance amendment to the *Unified Development Ordinance* and pursuant to NCGS §160A-383, is required to approve a statement describing how the action is consistent with the Town of Smithfield *Comprehensive Growth Management Plan*; and

Whereas the Smithfield Town Council, upon acting on a zoning ordinance amendment to the *Unified Development Ordinance* and pursuant to NCGS §160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE SMITHFIELD TOWN COUNCIL AS APPROPRIATE:

IN THE EVENT THAT THE MOTION TO RECOMMEND APPROVAL OF THE ORDINANCE AMENDMENT,

That the final action regarding zoning ordinance amendment ZA-21-07 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Town Council and information provided at the regularly scheduled meeting of Town Council; and

It is the objective of the Town of Smithfield Town Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The zoning ordinance amendment promotes this by offering fair and reasonable regulations for the citizens and business community of the Town of Smithfield as supported by the staff report and attachments provided to the Town Council at their regularly scheduled meeting. Therefore, the ordinance amendment is reasonable and in the public interest.

IN THE EVENT THAT THE MOTION TO RECOMMEND APPROVAL OF THE ORDINANCE FAILS,

That the final action regarding zoning ordinance amendment ZA-21-07 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

It is the objective of the Town Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The zoning ordinance amendment does not promote this and therefore is neither reasonable nor in the public interest.



Town of Smithfield  
 Planning Department  
 350 E. Market St Smithfield, NC 27577  
 P.O. Box 761, Smithfield, NC 27577  
 Phone: 919-934-2116  
 Fax: 919-934-1134

**Petition for Amendment to the Unified Development Ordinance**

*Pursuant to Article 4 of the Town of Smithfield Unified Development Ordinance, Proposed amendments may be initiated by the Town Council, Planning Board, Board of Adjustment, members of the public, or by one or more interested parties. The application for any amendment shall contain a description of the proposed zoning regulation.*

**APPLICANT INFORMATION:**

_____	_____
Petitioner's Name	Address or PO Box
_____	_____
City, State, Zip Code	Telephone

Proposed amendment to the Town of Smithfield Unified Development Ordinance:

\_\_\_\_\_

\_\_\_\_\_

(Attach additional sheets as necessary)

This application must be accompanied by a Statement of Justification which addresses the following:

1. How the amendment proposed would serve the public interest or correct an obvious error in the existing ordinance.
2. How the amendment proposed will enhance or promote the purposes and goals of the adopted plans and policies of the governing body.

The undersigned hereby authorizes the filing of this petition and certifies that the information contained herein stands alone based on the merits of this request and is accurate to the best of their knowledge and belief.

*Stephen J. Wanslow*

_____	_____
Signature of Petitioner	Date

**FOR OFFICE USE ONLY**

File Number: _____	Date Received: _____	Amount Paid: _____
--------------------	----------------------	--------------------

## UDO

**SECTION 3.2 ETHICS.** <https://www.smithfield-nc.com/page/open/1993/0/UDO%20June%202021.pdf>  
**pg. 23**

### 3.2.1. Ethics.

**3.2.1.1 Summary of the Primary Criminal Ethics Statute Prohibiting Persons from having a Direct Pecuniary Interest in the Matters Before Them or That Have in The Past Been Before Them.** [G.S. 14-234](#) provides specific limits on public officers and employees in relation to their ability to *contract* ethically with the Town or *benefit* from a contract or transaction. First, if the officer or employee makes or administers a contract, in other words if they are in the chain of command making decisions affecting that contract, they cannot benefit from the contract. Second and stated differently, if the officer benefits from the contract, they cannot influence in any way making or administering the contract. Third, an officer may not request or receive any benefit or gift in exchange for influencing a contract decision. Fourth, further definitions in the statute state one has a direct benefit from the contract if he or she or his or her spouse has more than a 10 percent ownership or other interest in an entity that is a party to the contract, derives any income or commission directly from the contract, or acquires property under the contract (G.S. 14-234 (a1) (4)) These principals underlying the primary criminal ethics statute, GS 14-234 have been long standing but if the statute is amended, employees should not violate the statute as amended. The statute reads as follows as of November 1, 2021.

#### **Actual Statute 2021**

##### **14-234. Public officers or employees benefiting from public contracts; exceptions.**

- (a) (1) No public officer or employee who is involved in making or administering a contract on behalf of a public agency may derive a direct benefit from the contract except as provided in this section, or as otherwise allowed by law.
- (2) A public officer or employee who will derive a direct benefit from a contract with the public agency he or she serves, but who is not involved in making or administering the contract, shall not attempt to influence any other person who is involved in making or administering the contract.
- (3) No public officer or employee may solicit or receive any gift, favor, reward, service, or promise of reward, including a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a contract by the public agency he or she serves.
  - (a1) For purposes of this section:
    - (1) As used in this section, the term "public officer" means an individual who is elected or appointed to serve or represent a public agency, other than an employee or independent contractor of a public agency.
    - (2) A public officer or employee is involved in administering a contract if he or she oversees the performance of the contract or has authority to make decisions regarding the contract or to interpret the contract.
    - (3) A public officer or employee is involved in making a contract if he or she participates in the development of specifications or terms or in the preparation or award of the contract. A public officer is also involved in making a contract if the board, commission, or other body of which he or she is a member takes action on the contract, whether or not the public officer actually

participates in that action, unless the contract is approved under an exception to this section under which the public officer is allowed to benefit and is prohibited from voting.

(4) A public officer or employee derives a direct benefit from a contract if the person or his or her spouse: (i) has more than a ten percent (10%) ownership or other interest in an entity that is a party to the contract; (ii) derives any income or commission directly from the contract; or (iii) acquires property under the contract.

(5) A public officer or employee is not involved in making or administering a contract solely because of the performance of ministerial duties related to the contract.

**3.2.1.1.1 Summary of the Primary Conflicts of Interest Statute in Legislative and Quasi-Judicial Decisions.** [G.S. 160D-109](#) Conflicts of Interest Subsection (a) Governing Board. – A governing board or appointed board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a *direct, substantial, and readily identifiable financial impact* on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. We note that Board members must vote on property development issues when they themselves may have properties in the area. A direct financial interest in the development project is a conflict. However, an interest in real property in the immediate vicinity of the project, even next door, is generally not a conflict.\* If the statute is amended, employees should not violate the statute as amended

\*See, e.g., *Kistler v. Randolph County*, 233 N.C. 400 (1951)(board members' ownership of property near the area in which school site was located insufficient to constitute conflict of interest); *City of Albemarle v. Security Bank and Trust*, 106 N.C. App. 75 (1993)(council members' direct ties to competing financial institutions did not require them to abstain from voting on proposed condemnation of portion of bank's land.) These holdings seem appropriate given the underlying obligation to vote, as well as the usual judicial deference to local government decisions in the absence of a clear abuse of discretion.

**Actual Statute November 1, 2021**

§ 160D-109. Conflicts of interest.

(a) Governing Board. – A governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a *direct, substantial, and readily identifiable financial impact on the member*. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(b) Appointed Boards. – Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a *direct, substantial, and readily identifiable financial impact on the member*. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(c) Administrative Staff. – No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person

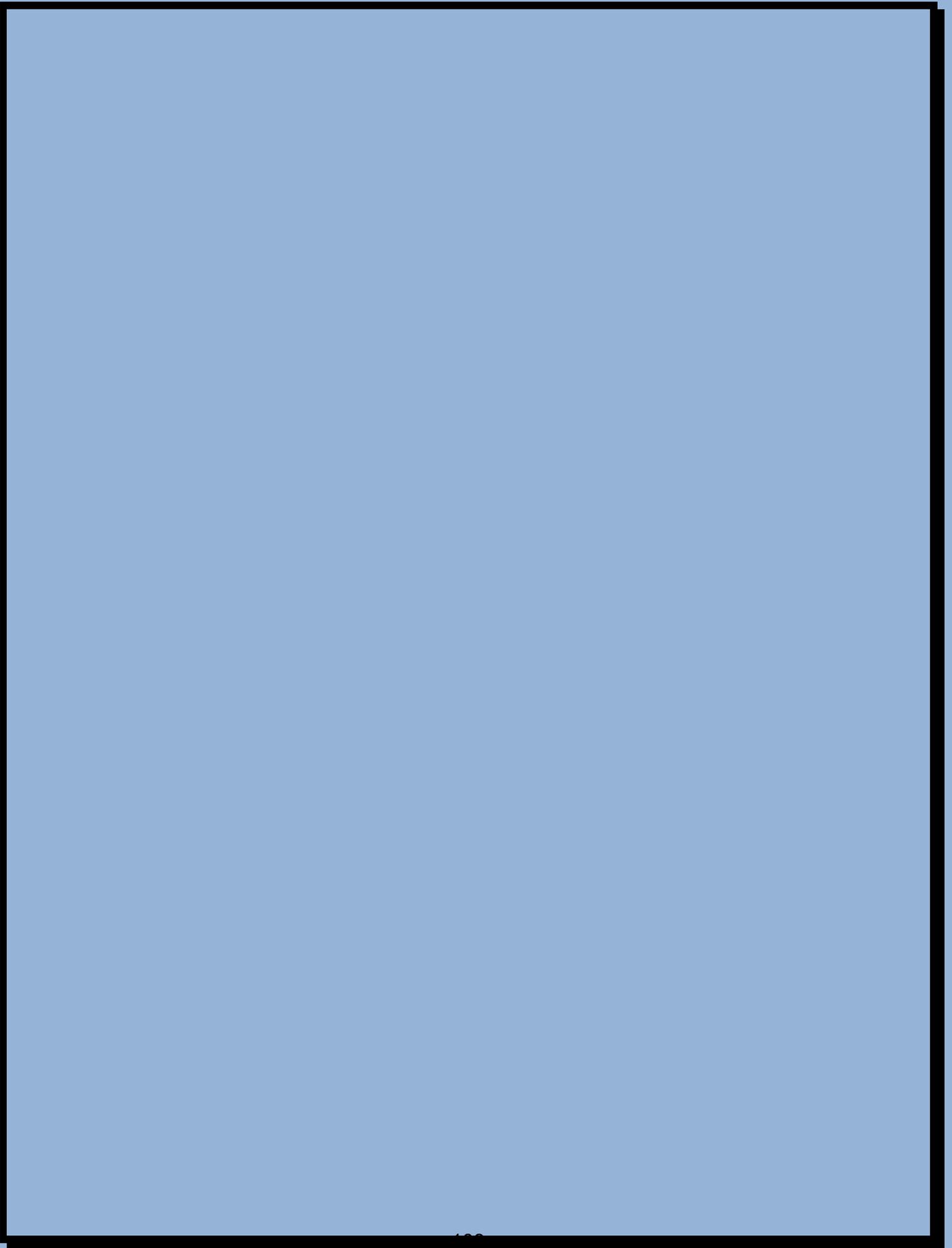
subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

(d) Quasi-Judicial Decisions. – A member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. (e) Resolution of Objection. – If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection. (f) Familial Relationship. – For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)



# Consent

## Agenda Items



The Smithfield Town Council met in regular session on Tuesday, November 9, 2021 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor Pro-Tem John Dunn presided.

Councilmen Present:

Marlon Lee, District 1  
Travis Scott, District 3  
Dr. David Barbour, District 4  
Stephen Rabil, At-Large

Councilmen Absent

M. Andy Moore, Mayor  
David Stevens, District 2  
Roger Wood, At-Large

Administrative Staff Present

Michael Scott, Town Manager  
Michael Brown, Fire Chief  
Ted Credle, Public Utilities Director  
Lawrence Davis, Public Works Director  
Gary Johnson, Parks & Rec Director  
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

Tim Kerigan, Human Resources/PIO

**CALL TO ORDER**

Mayor Pro-Tem Dunn 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 Scott made a motion, seconded by Councilman Rabil, to approve the agenda with the following amendments:

**Remove From the Consent Agenda:**

3. Special Event: Tent Revival – The Smithfield Church of God is requesting approval to conduct a tent revival November 14th through the 19th from 7:00 pm until 10:00 pm at the church located at 1710 West Market Street. This request included the use of amplified sound and a 50' x 90" tent.

6. Special Event: Christmas Concert – The Johnston County Community Choir is requesting approval to hold a Christmas concert on December 4, 2021 from 6:30 pm until 8:30 pm at the Town Commons Stage. This request includes the use of amplified sound and the closure of the 200 block of North Front Street.

**Add to the Consent Agenda:**

14. Consideration and request for approval to reappoint Mike Fleming to the Johnston County Economic Development Committee representing the Town of Smithfield

15. Bid Award to GroundsOne Landscaping Contractors in the amount \$22,083 to complete landscaping at the Town Commons between the Boat ramp and the Boy Scout Hut

Unanimously approved.

## PRESENTATION:

### 1. **Administering the Oath of Office to Fire Chief Michael Brown**

Mayor Pro-Tem Dunn administered the Oath of Office to new Fire Chief Michael Brown and welcomed him to the Town of Smithfield

## PUBLIC HEARINGS:

1. **Conditional Zoning Request – Smithfield Police Department (CZ-21-05)**: The applicant was requesting conditional rezoning of 3 parcels of land totaling 1.54 acres from the R-8 (Residential) zoning district to O&I CZ (Office-Institutional Conditional Zoning) district for the expansion of the existing police department facilities. The properties considered for approval are located on the west side of South Fifth Street approximately 340 feet south of its intersection with East Market Street. The properties are further identified as Johnston County Tax ID# 15025051, 15025052B and 15025048.

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

Planning Director Stephen Wensman explained the existing Police Station property was zoned to an O/I Conditional Use District (O/I CUD) for the construction of the police station. With 160D legislation, old CUDs are now conditional zoning districts.

Conditional Zoning is a rezoning with a master plan and the land use is limited to the use on the approved master plan. Reasonable conditions may be placed on the rezoning like special use permits with the applicant's consent. The conditional zoning process allows a give and take approach to zoning regulations. In this case, the master plan includes an expansion of the adjacent Police Department facilities onto the properties being rezoned.

The Town of Smithfield Police Station is an 8,135 sq. ft building with two parking lots, a 24-space lot in the rear of the building and a one-way 10-space lot in the front of the building. Vehicular access is from a mid-block alleyway. Vehicles enter the alley to access either lot. The parking lot in the front of the building is designed for one-way traffic with an exit onto S Fifth Street. The rear parking lot is designed for two-way traffic with a second access to/from the Fire Department property that fronts on S. Fourth Street.

Also to the rear of the building is an existing shed that occupies two parking spaces, a mechanical yard, HVAC system and an existing cell tower and fenced area. There is no stormwater management facility on the property and stormwater sheet flows off the site. There are no known wetlands or floodplain on the property.

The master plan shows a 3,650 sq. ft. expansion to the existing 8,135 sq. ft. police station onto the two vacant parcels to the south. The plan expands the front yard parking lot to the southside of the building connected to the Fire Station parking lot. The master plan includes a stormwater control facility (SCM). Additional improvements will include landscaping and lighting.

The Master Plan shows no change to the rear parking lot configuration but modifies the front parking lot. The front parking will no longer have alley access; will have two driveways onto S Fifth Street and will wrap the parking around the south end of the building to connect to the Fire Department parking lot.

The plan adds additional 33 parking stalls for a total of 64 parking spaces. The Unified Development Ordinance (UDO) requires 59 parking spaces (11,785 sq. ft. /1000 x 5 = 59). There are 5 more parking spaces than required.

The parking lot will have B6-12 concrete curb and gutter and missing sections of curb will be installed on S Fifth Steet at the old driveway location and along the alley.

Building Setbacks. The building exceeds the O/I District setback requirements.

	O/I Setbacks
Front	25 ft
Side	8 ft
Rear	15 ft

No landscape plan has been provided, but the plan provides space for a standard Streetyard and partially reduced Bufferyard adjacent to the existing residential property.

	O/I	Proposed O/I-CZ
Streetyard	12.5 ft (1 tree and 20 shrubs per 100 lin. Ft.)	12.5 ft (no landscape plan provided)
Bufferyard adjacent O/I	50% of Type A (5' wide- 1 tree and 6 shrubs per 1,000 sq. ft.)	5' (no landscape plan provided)
Bufferyard adjacent to residential	Type B (20' wide – 1 tree and 8 shrubs per 1,000 sq. ft.)	20' and 4' (no landscape plan provided)
Interior parking lot and foundation plantings will be as required.		

Interior parking lot and foundation plantings will be as required.

The Planning Board was concerned about headlights glare into the back yard of the adjacent residential property and recommended an additional condition of approval:

- o That the landscape plan includes a solid row of Green Giant Arborvitae planted at a minimum of 3 feet on center at least 5' tall adjacent to the adjacent residential property.

Public sidewalks. A 5' wide public sidewalk will be repaired as needed along South Fifth Street.

Utilities. The Police Department is served by Town water, sewer and electricity.

Stormwater Management. A stormwater control facility (SCM) will be located at the south end of the parking lot with an overflow structure to pipe water under S Fifth Street to the existing ditch on private property. The Town is currently seeking an easement from the private property owner for the drainage.

A lighting plan will be provided by the Town of Smithfield Utilities Department meeting Town UDO requirements.

Request deviations from UDO Requirement

One of the purposes of conditional zoning is to provide flexibility from conventional zoning and to allow creative projects to occur through a negotiated (give and take) approach to achieve the desired project that both the developer and town mutually can be satisfied with. The applicant has not identified any deviations from the O/I regulations. By choosing a conditional rezoning, the use of the site can only be as shown on the plans.

The Town is requesting the certain deviations from the UDO requirements to facilitate the construction of the Police Department expansion:

- 16 ft partial reduction in the Bufferyard adjacent to the parking lot (extension of Fire Station parking).

Planning Staff and the Planning Board recommend approval of CZ-21-05 with 6 conditions finding the rezoning consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the rezoning is reasonable and in the public interest.”

1. That site plans/construction plans be submitted for review in accordance with the Town's UDO with the following deviation:
  - a. 16 ft reduction in the Bufferyard adjacent to the parking lot (extension of Fire Station parking).
2. That the public sidewalk be replaced as determined by the Public Works Director.
3. That a landscaping plan be provided in accordance with UDO requirements.
4. That a site lighting plan be provided in accordance with UDO requirements.
5. That the 3 properties be combined into a single lot.
6. That the landscape plan includes a solid row of Green Giant Arborvitae planted at a minimum of 3 feet on center at least 5' tall adjacent to the adjacent residential property.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the November 9, 2021 agenda packet.

Mayor Pro-Tem Dunn asked if there were any questions from Council. There were none.

Mayor Pro-Tem Dunn 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 the matter.

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

Councilman Scott made a motion, seconded by Councilman Rabil, to approve zoning map amendment CZ-21-05, 6 conditions, finding the rezoning 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.

2. **Conditional Zoning Request – Britt Street Triplexes (CZ-21-08):** The applicant is requesting to rezone a .7-acre tract of land from the B-3 (Highway Entrance Business) zoning district to the B-3 CZ (Conditional Zoning) district for the construction of a six-unit townhouse project. The property considered for approval is located on the east side of the intersection of West Market Street and Britt Street and further identified as Johnston County Tax ID# 15L11006.

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

Planning Director Stephen Wensman explained the site was currently an empty lot. The site was relatively flat and open with a few mature trees. A gravel driveway crosses the site from Britt Street to the adjacent office located to the south. There is no wetland or other environmental features on the site. Britt Street is a 24-foot-wide road with ditches on both sides in a 60 ft. right-of-way.

The property was guided for commercial in the Town's comprehensive plan. Within the commercial zoning district, multi-family developments require a special use permit. An alternative to obtaining a special use permit is to rezone the property to a conditional zoning district where the land use on the master plan is the use permitted in the district. The applicant is requesting a conditional zoning with a master plan for 2-triplex townhomes.

The applicant is proposing to the land into a 6-lot attached single-family residential triplex subdivision. The units will be a mix of one-story and two-story townhomes. The one-story homes will be 3 bedroom/2 bath and the two-story homes will be 3 bedroom/2 ½ bath. All units will have a single car garage with 3 driveway parking spaces, covered rear porch. Landscaping. Exterior maintenance will be the responsibility of a homeowner's association.

- Min. lot size. The lots range in size from 3,362 sq. ft. (.08-aces) to 9,556 sq. ft. (.22 acres).
- Development density. The UDO allows a maximum density of 4500 sq. ft. gross site area per unit. The development has a density of 5,082 gross site area per unit.
- Lot dimensions. The minimum lot dimension is 26' x 128'.

- **Setbacks.**

	<b>Proposed B-3 CZ Setbacks</b>	<b>B-3 Setbacks</b>
<b>Front</b>	30 feet	35 feet
<b>Side from Market</b>	50 feet	50 feet
<b>Side</b>	Zero/10' from adjacent residential	15 feet
<b>Rear</b>	40 feet	25 feet

- Unit sizes. Each Triplex contains two single-story units and one two-story unit.
  - Single-story end units will have 1,211 heated sq. ft. with a 130 sq. ft. covered rear porch, 20 sq. ft. front porch and 228 sq. ft. garage.
  - Two-story center units will have 1,362 heated sq. ft. with 210 sq. ft. covered rear porch, 68 sq. ft. front porch, and 40 sq. ft. storage and 223 sq. ft. garage.
- Unit sales prices. The developer's expected sales prices are between \$220,000-\$235,000.
- Building materials. The triplexes will have a combination of vinyl lap, board and batten siding and brick or stone materials. No details have been articulated for the end units.
- Driveway access. Each triplex unit will have an 18' wide driveway with access off of Britt Street. The driveways are shown to flare out in the public right-of-way to a width of 26'. The center two driveways forming a continuous flared width of 56' which will provide access to a shared mailbox.
- Parking. Each unit will allow for parking within a single car garage and three spaces in the driveway, exceeding the UDO requirement of 2 spaces per unit.
- Public sidewalks. A 5' wide public sidewalk is proposed in the Britt Street public right-of-way outside of the drainage ditch. The UDO also requires a 5' sidewalk along West Market Street. This should be a condition of approval.
- Landscaping. A detailed landscape plan was submitted that shows ample buffer plantings from adjacent properties and from Market Street exceeding UDO Standards. In the front yards, there will be one ornamental tree per unit and more than 4. Every other unit has a canopy tree in the front yard.
- Trash and recycling rollouts. Storage of trash and recycling rollouts should be provided for within the rear yard or garage except on pick-up days.
- HOA. An HOA will provide common maintenance of the exterior of the building and landscaping.
- Utilities. The triplexes will utilize existing sewer and water utilities.
- Stormwater Management. The site is exempt from stormwater attenuation.

Requested deviations from UDO Requirement

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

<b>Item</b>	<b>Proposed B-3 CZ</b>	<b>B-3</b>
Front Setback	30 feet	35 feet
Side Yard Setback	10 feet	15 feet

The development exceeds UDO Requirements as follows:

- Exceeds required parking with 4 spaces per unit.
- Exceeds landscape requirements

Planning Staff and the Planning Board recommend Planning Staff and the Planning Board recommend approval of CZ-21-08 with 3-conditions with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans and that the request is reasonable and in the public interest:

1. That the preliminary plat and construction documents be in accordance with the approved master plan, requirements of the Unified Development Ordinance and the B-3 zoning district with the following deviations:
  - a) Front Setback 30 feet
  - b) Side Setback 10 feet
2. That a 5' wide concrete sidewalk be constructed in or alongside the Market Street public right-of-way in an easement.
3. That the HOA be responsible for maintenance of the building exterior and landscaping.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the November 9, 2021 agenda packet.

Mayor Pro-Tem Dunn asked if there were any questions from Council.

Councilman Barbour expressed concerns about the Homeowners Association (HOA) being able to maintain the development since there was only six units. Town Attorney Bob Spence responded the HOA could place a lien on the homeowners for unpaid dues and assessments. They allow that lien to be foreclosed like a mortgage. Councilman Barbour asked the Town Attorney to review the HOA agreement.

Councilman Scott wished something could be included in the HOA agreement that the units had to be 90% owner occupied. He understood this could not be a condition of approval.

Mayor Pro-Tem Dunn questioned the appearance of the end units. Mr. Wensman responded he had not received elevation plans of the end units, but this project had the most robust landscaping plan.

Mayor Pro-Tem Dunn 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 the matter.

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

Councilman Barbour made a motion, seconded by Councilman Rabil, to approve zoning map amendment CZ-21-08, 3 conditions, finding the rezoning 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.

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

3. **Preliminary Plat Approval – Britt Street Triplexes (S-21-04):** The applicant is requesting subdivision approval to divide a .7-acre tract of land into 6 lots for the construction of a six-unit townhouse project. The property considered for approval is located on the east side of the intersection of West Market Street and Britt Street and further identified as Johnston County Tax ID# 15L11006.

Councilman Rabil made a motion, seconded by Councilman Lee, to open the public

hearing. Unanimously approved.

Planning Director Stephen Wensman testified this project was the same as outlined in the previous agenda item. In order to approve the preliminary plat, the plat should be in substantially in conformance with the B-3 CZ rezoning master plan, CZ-21-08. Staff finds the preliminary plat in conformance with the master plan.

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

**STAFF'S OPINION ON THE FINDINGS OF FACT**

1. The plan is consistent with the adopted plans and policies of the town.
2. The plan complies with all applicable requirements of this ordinance and the B-3 Conditional Zoning District.
3. There is adequate infrastructure.
4. The plan will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

Planning Staff recommend approval of S-21-04 with 4-conditions based on the finding of fact for preliminary subdivision:

1. That the preliminary plat and construction documents be in accordance with the approved master plan, requirements of the Unified Development Ordinance and the B-3 zoning district with the following deviations:
  - a) Front Setback 30 feet
  - b) Side Setback 10 feet
  - c) Distance between buildings 11 feet
2. That a 5' wide concrete sidewalk be constructed in or alongside the Market Street public right-of-way in an easement.
3. That the HOA be responsible for maintenance of the building exterior and landscaping and submitted to the Town attorney for review prior to final plat.
4. Park dedication fee in lieu be paid in full prior to recording the final plat.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the November 9, 2021 agenda packet.

Mayor Pro-Tem Dunn asked if there were any questions or comments from the Council. There were none.

Mayor Pro-Tem Dunn asked the applicant if he agreed with the testimony provided by Mr. Wensman and if he had additional testimony to offer. Paul Emblar of Kentwood Drive, Smithfield, North Carolina, testified that he agreed with the testimony offered by Mr. Wensman. He further testified he had attended a number of public hearings and listened to the Council's comments in regard to other projects. We've tried to address as many of those issues in the design of this project.

Mr. Emblar testified that smaller HOAs were common in today's market so he felt there would be no issue with the HOA. This was in response to comments made during the previous public hearing.

Mayor Pro-Tem Dunn 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.

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

Councilman Barbour made a motion, seconded by Councilman Rabil, to approve S-21-04,

with 4 conditions based on the finding of fact for preliminary subdivisions. Unanimously approved.

4. **Conditional Zoning Request – Spring Branch Phase 2 (CZ-21-09):** The applicant is requesting to rezone 5 tracts of land totaling approximately .68 acres from the R-8 (Residential) zoning district to the R-8 (Conditional Zoning) district. The properties considered for approval are located on the northeast side of the intersection of East Johnston Street and South Sixth Street and further identified as Johnston County Tax ID# 15026056, 15026057, 15026058, 15026058A and 15026058B.

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

Planning Director Stephen Wensman explained TerraEden Landscape and Design, LLC, is requesting a conditional rezoning to rezone 5 properties (0.8084-acres) in the R-8 Zoning District to R-8 CZ with a master plan for a 6-lot detached single-family residential development.

The site is currently vacant and has been since before 2001. Prior to 2001, the site was used for warehousing. Remnant valley curb remains where there was vehicle access to the old warehouse site along S. Sixth Street. The curbing along E. Johnson Street is B6-12 type. Overhead electric utilities run along the right-of-way on both streets. An existing streetlight is attached to the power pole at the intersection of S. Sixth and E. Johnson Street.

The site is bisected by a public alley. A portion of the alley appears to have been closed with the land reverting back to the owners (Lafayette Atkinson) and (AVS Investments LLC). The applicant/owner plans to petition for closure of the remaining alley. The site plan is reliant on that closure, so it is a condition of approval.

#### MASTER PLAN ELEMENTS/ANALYSIS:

The applicant is proposing to redevelop the land into a 6-lot detached single-family residential subdivision.

- Future Subdivision. The future subdivision will be a minor subdivision because the applicant is only creating one new lot and there is no public dedication associated with the development.
- Driveway access. All the lots are accessed from the rear of the property by one of two 16 ft. wide private driveways on S. Sixth Street. Lot 1 utilizes the northernmost driveway; whereas, Lots 2-6 utilizes the southernmost driveway.

The driveways will be on common open space providing access to private parking on individual residential lots and to 4 guest/overflow parking spaces on the common open space. The shared driveway is shown with no curb and gutter typical of other residential alleys in town. The shared driveway eliminates the need for individual driveways on each lot and supports the pedestrian character of the development. Driveway within the public right-of-way will need to be constructed in accordance with the Town's standard detail for driveways.

- Open space/Recreation/Mail Kiosk. The applicant is proposing 0.39-acres, 49% of the site, as common open space providing driveway access to residential parking, guest/handicap parking, mail kiosk, picnic shelter, picnic tables, play structure, and an area light.
- Min. lot size. The 10-lots range from 3,444 sq. ft. (.079-aces) to 5,046.48 sq. ft. (.12 acres in size). The average lot size is 3,770 sq. ft. (.087 acres). The R-8 District requires 8,000 sq. ft. lots, so this is a deviation from the UDO.
- Lot dimensions. The minimum lot dimension is 41' x 84' and the largest lot is 59.97' x 100'. The R-8 District requires 70' of road frontage, so this is a deviation from the UDO.

- **Setbacks.**

	Proposed R-8 CZ Setbacks	R-8 Setbacks
Front	10 feet	30 feet
Corner Side	12 feet	15 feet
Side	5.5 (11' between bldgs..)	10 feet
Rear	25 feet	25 feet

The reduced setbacks are typical of an urban pedestrian-oriented or traditional neighborhood development and supported by pedestrian-scaled elements, porches, and fences. The public boulevard along Massey Street is about 12 feet wide which is about typical of most streets in town. The boulevards along East Johnson and South Sixth Street are much wider at 26 feet and 20 feet, respectively, which will give the impression of a 20-25' setback.

- **Street Sight Triangle.** The UDO requires a 25'x25' corner site triangle with nothing in it over 30" tall. The development has only a 23'x23' corner site triangle. This is a deviation from the UDO requirements.
- **Single-family homes.** The developer is proposing 1,290 sq. ft. single-story homes with full-width front porch, three bedrooms, and two bathrooms similar to Spring Branch Commons Phase 1.
- **Public sidewalks.** 5' wide public sidewalk will be constructed in the public right-of-way along both streets.
- **Curb and gutter.** The Town's standard curb and gutter is a B6-12 concrete curb. The existing valley curbs along S. Sixth and Massey Street will need to be replaced with B6-12 curb and gutter.
- **Fencing.** Decorative fencing will be installed along the street frontage on each lot matching Spring Branch Commons Phase 1 to be maintained by the HOA. A six-foot chain-link fence runs along the back of the open space adjacent to existing residential properties
- **Landscaping.** The UDO does not require landscaping of residential subdivisions; however, the master plan shows the landscaping of the open space and residential lots.
- **HOA.** An HOA will provide common ownership and maintenance of the shared open space and fence along both streets.
- **Trash & Recycling.** Storage pads for trash and recycling rollouts are provided along the rear façade of each home.
- **Stormwater Management.** There are no stormwater control facilities proposed on site because the is exempt from stormwater attenuation.
- **Utilities.** The development will utilize existing utilities, water, and sewer, located in adjacent streets.

Requested deviations from UDO Requirement

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

Item	Proposed R-8 CZ	R-8/UDO
Min. lot size	3,444 sq. ft. (.079 ac.)	8,000 sq. ft. (.18 ac.)
Min. lot width	41 feet	70 feet

Min. front setback	30 feet	10 feet
Min. Side Setback	5.5 feet	10 feet
Accessory Bldg. Setback	None allowed	10 feet
Min. corner lot setback	12 feet	15 feet
Driveway width	16 feet	20 feet
Sight triangle (UDO Section 2.21)	23 feet x 23 feet	25 feet x 25 feet

The applicant is providing the following which exceed UDO requirements:

- o Decorative fencing & rear chain link fencing (maintained by the HOA)
- o Landscaping of the lots and open space.
- o Playground amenity with open space.
- o Rear loaded lots.
- o Constructing sidewalks on both streets with handicap accessible ramps.
- o Replacing/installing B6-12 curb and gutter where needed
- o Providing rear access lots which takes the burden off of the streets for driveways and parking.

Planning Staff and the Planning Board recommend approval of CZ-21-09 with 4-conditions with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans and the request is reasonable and in the public interest:

1. That the rezoning approval be contingent on the closure of the public alley.
2. That the driveway aprons be constructed in accordance with the Town's Standard Specifications and Details.
3. That the valley curb in the public right-of-way be replaced with B6-12 curb.
4. That the HOA be responsible for maintenance of landscaping and fencing and all common amenities and common areas.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the November 9, 2021 agenda packet.

Mayor Pro-Tem Dunn asked if there were any questions from Council.

Councilman Barbour questioned if this was the same layout and design as Phase 1. Paul Embler responded it was the same design, but the outdoor storage was oriented differently to be more concise.

Councilman Barbour questioned the chain link fence that would be installed at the rear of the property. Mr. Embler responded that one of the adjacent property owners was encroaching on this property so they felt they could not install a privacy fence because the HOA would only be able to maintain one side of the fence. There would be landscaping along the property side of the fence,

Mayor Pro-Tem Dunn 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 the matter.

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

Councilman Barbour made a motion, seconded by Councilman Rabil, to approve zoning map amendment, CZ-21-09, with 4-conditions finding is 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.

5. **Zoning Text Amendment – Town of Smithfield (ZA-21-05):** The applicant is proposing an amendment to the Town of Smithfield Unified Development Ordinance, Article 10, Performance Standards, Part III, Landscape Requirements. The proposed ordinance amendment will apply minimum landscape requirements to all new single-family and townhouse developments.

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

Planning Director Stephen Wensman explained The Town of Smithfield was experiencing unprecedented residential growth and many new subdivisions. The Town Council has become concerned about the character of proposed developments and wants to ensure there is adequate landscaping with new development. The Council has directed staff to investigate updating the Town's Landscape Ordinance to include landscape standards for residential development.

Currently, there is a prohibition in place giving single-family residential developments exempt status from meeting landscape requirements of the Town of Smithfield Unified Development Ordinance, Article 10, Performance Standards, Part II, Landscape Requirements. This prohibition applies to all residential subdivisions and ensures that little to no landscaping will be provided when single-family residential developments are approved through a process other than the Conditional Zoning or Planned Unit Development legislative approval process.

Planning staff has drafted an ordinance that will achieve the following:

1. Removes the exempt status of new Single-Family Residential Developments by requiring compliance with Part II, Landscape Requirements.
2. Broadens Single-Family Residential Development standards to include to Townhouse Developments when located on public streets.
3. Creates new landscape standards specify tailored to new residential developments.
4. Require all new single-family homes and duplex units on existing lots to provide landscaping.
5. Creates standards that can be applied to both legislative and quasi-judicial subdivision approval processes.

The proposed landscape components that will apply to Single-Family and Townhouse Developments will include required street yards, street trees and foundation plantings.

- Street yards will require a minimum of 15 feet in depth on all sides of the development that have road frontage on a major or minor arterial streets. The rate of planting will be 2 deciduous trees, 1 evergreen tree and 30 shrubs per 100 linear feet of road frontage. This yard will be similar to existing commercial street yards but with 10 additional shrubs, 1 additional tree and a required mix of deciduous and evergreen tree variety.
- Street trees will be required on streets within a proposed residential subdivision at a rate of 2 deciduous trees and 1 evergreen tree per 100 feet of road front on each side of the street. Street trees are to be planted outside of the public right-of-way and maintained by the development owner's association.
- Foundation plantings will be required at a rate of 3 per residential unit and must be adjacent to the front facade of each unit.

Existing landscape standards that are proposed to remain unchanged.

- Buffer Yards in accordance Section 10.4 Buffer Yard Requirements with will continue to be required and installed by non-residential and multifamily developments when adjacent to single family dwellings and developments.

Zoning District and/or Use To Be Developed (below)	Adjacent Land Use				
	Industrial	Commercial	Single-Family Residential	Multi-Family Residential (10 or more parking), PUD, PRD	Open Space
Industrial	N/A	Type A	Type C	Type C or D	Type C or D
Commercial	Type A	50% of Type A	Type B	Type A	Type C or D
Multi-Family Residential (10 or more parking), PUD, PRD	Type C or D	Type A	Type A	N/A	N/A

- Tree Preservation will continue to apply to all new developments in accordance with Section 10.9, Tree Resource Management.
- Parking lot landscaping and dumpster screening requirements will remain unchanged but with the proposed amendments can be applied to single family and townhouse residential developments.

Planning Staff and the Planning Board recommend the Town Council conduct a public hearing and approve of the zoning text amendment ZA-21-05 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 November 9, 2021 agenda packet.

Mayor Pro-Tem Dunn asked if there were any questions from Council.

Councilman Barbour he opposed to landscaping requirement for single-family homes. Mr. Wensman responded this text amendment would apply only to new development.

Councilman Scott questioned if the Planning Board supported this text amendment. Mr. Wensman responded that the Planning Board supported this amendment.

Mayor Pro-Tem Dunn 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 the matter.

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

Councilman Scott made a motion, seconded by Councilman Rabil, to approve zoning text amendment, ZA-21-05, 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 Scott, Councilman Rabil and Councilman Lee voted in favor of the motion. Councilman Barbour voted against the motion. Motion passed 3 to 1.

**6. Proposed Voting District Maps:** In accordance with Session Law 2021-56, Senate Bill 722, the Town Council will hear proposed amendments to the Town's voting districts based on the 2020 census data.

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

Town Manager Michael Scott explained the purpose of the public hearing was to evaluate the Town's voting districts and possible redistricting based on the 2020 census results. He explained 300 people were added to the Town's population base since 2010. He further explained the Council had two options; 1) leave the voting districts as they currently are or 2) redistrict slightly and take into account those population changes and demographics. The Town must provide information to the Board of Elections by November 12<sup>th</sup> whether the Town can or cannot provide them with the approved voting districts by November 17<sup>th</sup>. The election date has been scheduled for March 8<sup>th</sup> for current districts and the mayor. If the Town can provide a recommendation to the Board of Elections by November 17<sup>th</sup>, then the filing period would begin at noon on December 6<sup>th</sup> and close at noon on December 17<sup>th</sup>. If the Town cannot provide a recommendation by November 17<sup>th</sup>, we have to provide it by December 17<sup>th</sup>. If the Town provides a recommendation by December 17<sup>th</sup>, the filing period would begin at noon on January 3<sup>rd</sup>, it will be open for a shorter period until noon on January 7<sup>th</sup>. The Town Manager reviewed the demographics of each voting district based on the 2020 census data. He pointed out that in District 3, inmates of the County jail were included in the census data if they were 18 or older and eligible to vote. He stated this population base would likely move into District 1 when the new jail site is completed. The Town Manager further stated that if the Council chose to change the voting districts, staff recommends adjusting a small section of the downtown area

Mayor Pro-Tem Dunn asked if there were any questions from Council.

Councilman Lee questioned the origin of the census data. The Town Manager responded the validity of the census is certainly always a question. The accuracy of the results was unknown.

Councilman Barbour questioned if census data was only reviewed every 10 years. The Town Manager responded that Planning Staff annually reviews census data. Every 10 years is when the Town is required to review the voting districts.

The Town Manager stated with the growth on the west side, he would recommend hiring an outside firm to redo the districts in 10 years based on the 2030 census results.

Councilman Scott recommended not making any changes to the current voting districts.

Mayor Pro-Tem Dunn 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 the matter.

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

Councilman Scott made a motion, seconded by Councilman Rabil, to submit to the Board of Elections that the Town will not make any changes to the voting districts. Unanimously approved.

**CITIZEN'S COMMENTS:** There were no comments made by anyone in attendance.

#### **CONSENT AGENDA:**

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

1. The following minutes were approved:
  - October 5, 2021 – Regular Meeting
2. Special Event: Veteran's Day Celebration – The Smithfield Parks and Recreation Department gained approval to conduct a Veteran's Day Celebration on November 11, 2021 from 4:30 pm until 7:30 pm at Smithfield Community Park. The use of amplified sound and fireworks was approved. This event was also approved as an annual event.
3. Special Event: Gospel in the Park – Betty Johnson gained approval to conduct a church service on November 20, 2021 from 3:00 pm until 5:00 pm at Smith Collins Park. The use of amplified sound was approved for this event.

4. Special Event: LBJ's Giving - Andrew & Erika Wagner, owners of the Little Brown Jug, gained approval to hold an event at 101 West Market Street on November 24, 2021 between 8:00 pm until 1:30 am. The use of amplified sound was approved for this event.
5. Bid was award to Colorado Timing Systems in the amount of \$7,892.50 to purchase replacement timing system for the competitive pool.
6. Bid was awarded to Modern Chevrolet (State Contract) in the amount of \$45,919 for the purchase of a 2022 Chevy Suburban for the Fire Department.
7. Bid was awarded to Arena's Cleaning Services, LLC in the amount of \$550.00 per month for the water plant's janitorial services Bids received are as follows:
  - Arena's Cleaning Services, LLC \$550.00 per month
  - Cleannet of Charlotte, Inc \$3,096.00 per month
  - Jas Clean It, LLC \$4,440.00 per month
8. Approval was granted to appoint Brett Renfrow to the Firemen's Relief Board.
9. Approval was granted to appoint Katie Smith to serve on the Downtown Smithfield Development Corporation's Board of Directors.
10. The following advisory board appointments were approved:
  - Alisa Bizzell was reappointed to serve a second term on the Planning Board and Recreation Advisory Committee

**11. New Hire Report**

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Police Officer II	Police	10-20-5100-5100-0200	\$19.91/hr. (\$44,518.76/yr.)
P/T Firefighter	Fire	10-20-5300-5100-0210	\$17.60/hr.
P/T Fitness Assistant (2)	P&R-Aquatics	10-60-6220-5100-0210	\$9.00/hr.
P/T Pool Staff	P&R-Aquatics	10-60-6220-5100-0220	\$8.00/hr.
P/T Pool Staff	P&R-Aquatics	10-60-6220-5100-0220	\$10.00/hr.
P/T Aquatics Instructor	P&R-Aquatics	10-60-6220-5100-0230	\$12.00/hr.
P/T Fitness Instructor	P&R-Aquatics	10-60-6220-5100-0230	\$15.00/hr.
Pump Station Mechanic	PU – Water/Sewer	30-71-7220-5100-0200	\$17.09/hr. (\$35,547.20/yr.)
Utility Line Mechanic	PU – Water/Sewer	30-71-7220-5100-0200	\$15.48/hr. (\$32,198.40/yr.)

**Current Vacancies**

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Electric Line Technician	PU – Electric	31-72-7230-5100-0200
Police Officer I (4 positions)	Police	10-20-5100-5100-0200
P/T Collections Assistant	PU – Electric/CS	31-72-7230-5100-0200
P/T Firefighter I/Responders (Up to 5 positions)	Fire	10-20-5300-5100-0200
P/T Fire Inspector (2 positions)	Fire	10-20-5300-5100-0210
Sanitation Equipment Operator	Public Works	10-40-5800-5100-0200
Sanitation Worker	Public Works	10-40-5800-5100-0200
Water Plant Operator	PU – Water Plant	30-71-7200-5100-0200

12. Approval was granted to reappoint Mike Fleming to the Johnston County Economic Development Committee representing the Town of Smithfield
13. Bid was awarded to GroundsOne Landscaping Contractors in the amount \$22,083 to complete landscaping at the Town Commons between the Boat ramp and the Boy Scout Hut.

**Business Items:**

**1. Consideration and request for approval to rename South Avenue to Dr. CJ Allen Avenue**

Town Manager Michael Scott explained members of Mount Zion Church of Deliverance located at 908 South Avenue was requesting to change the name of South Avenue to Dr CJ Allen Avenue, in recognition of their Pastor. Dr. CJ Allen has been the Pastor of the Mount Zion Church of Deliverance for thirty (30) years and is retiring on November 14, 2021. The congregation of the church would like to rename South Avenue as a tribute to Dr Allen’s dedication, exceptionally caring work and years of service to the Smithfield Community and Mount Zion Church of Deliverance. The street name change will impact the addresses of the Church and residential customers. The two residences impacted are 902 and 918 South Avenue. Both were notified of this request and both have consented to the street name change. There are no other properties directly impacted by this change.

Pastor Wyatt Raglan provided background information to the Council on Reverend Doctor CJ Allen. He explained her name as the Church’s physical address would serve as an everlasting achievement of her work done in the community and the church.

Councilman Lee made a motion, seconded by Councilman Rabil to approve the renaming of South Avenue to Dr CJ Allen Avenue. Unanimously approved.

**2. Annexation Request – Twin Creeks Phase 1A (ANX 21-02):**

Planning Director Stephen Wensman explained the Town of Smithfield received a petition from Navaho Development LLC for a voluntarily satellite annexation of 1.61 acres to the Town of Smithfield adjacent to the Twin Creeks Phase 1 development site on Black Creek Road approximately 1,800 ft southwest of the intersection of NC Highway 210 and Black Creek Road.

The satellite annexation property with the NC Pin # 167300-56-5565 is part of the property annexed to the Town in 2018 (ANX-18-01) with vested rights for preliminary plat of Twin Creeks Phase 1. After annexation, ANX-18-01, the developer’s attorney identified an error on the deed and made a deed correction showing the 1.61 acres of land belonging to the developer’s property. As a result of the deed error, the 1.61 acres was omitted from the 2018 annexation and the Twin Creeks Phase 1 preliminary plat. After annexation, the developer intends to have the 1.61 acres rezoned to R-20A and platted into 3 lots with access onto the Twin Creeks Phase 1 street and connected to the Town’s utilities in Twin Creek Phase 1.

Per NCGS 160A-58.2, the Council must pass a resolution directing the Town Clerk to investigate the sufficiency of the petition.

Councilman Barbour made a motion, seconded by Councilman Rabil, to adopt Resolution 689 (17-2021) directing the Town Clerk to investigate the sufficiency of the annexation petition. Unanimously approved.

**TOWN OF SMITHFIELD  
RESOLUTION No. 689 (17-2021)  
DIRECTING THE CLERK TO INVESTIGATE A PETITION  
RECEIVED UNDER G.S. 160A-58.1**

WHEREAS, a petition requesting annexation of an area described in said petition was received on November 9, 2021 by the Smithfield Town Council; and

WHEREAS, G.S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Smithfield deems it advisable to proceed in response to this request for annexation:

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF

SMITHFIELD THAT:

The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the result of her investigation

**3. Consideration and request for approval to create a new Fire Marshall position**

Fire Chief Michael Brown addressed the Council on a request to create a Fire Marshall's position to provide building inspections and plan reviews for all new and existing structures. He explained that with the rapid growth in Smithfield, department was inundated with required fire inspections due to new construction and community growth. The budget includes two part-time fire inspectors, of which neither is filled. The department is requesting to eliminate one part-time position and replace it with a full-time Fire Marshal who will be a level three inspector and able to perform the necessary fire inspections throughout the Town.

While we can absorb the increase in budget in the current fiscal year, the FY 2023 budget will be impacted for benefits and the salary difference between the one, part-time fire inspector and new Fire Marshal Position. This equates to \$70,000. The salary range would be the same as the current level 3 Inspectors, \$55,557 to \$86,113. We are requesting permission to hire up to the midpoint of the salary range. We have explored surrounding like positions and believe our salary range will be competitive to attract highly qualified applicants. The process for filling this vacancy will be offered internally and externally to find the best applicant.

This is a much-needed position to keep the flow of new inspections and plan reviews up to date and be responsive of the requests from our stakeholders. This position will work alongside our planning division and other departments as needed.

We have exhausted all measures to hire part-time positions and we are currently asking the county inspectors to assist us until the position can be filled. The county cannot continue to provide the service for an extended term.

Our current process is not working. We have a plans reviewer who can only come on the weekends and not during normal working business hours to meet with builders or perform site visits. This is a must for new construction that is progressively moving forward each day. Fire crews have been trying to fill the void but are overwhelmed with the time needed to ensure proper Fire Prevention Codes are being met.

Councilman Scott questioned when someone would be hired for this position. Chief Brown responded possibly by February someone who be hired for the position.

Councilman Scott further questioned how the position would be funded. Town Manager Michael Scott responded there were sufficient funds in the Fire Department's salary budget to cover the cost of the position.

Councilman Scott, made a motion, seconded by Councilman Rabil, to allow staff to create the Fire Marshall position and authorize the hiring of that position. Unanimously approved.

Councilman Barbour questioned if Chief Brown could provide an update to the Council on the EMS program the Council implemented.

**Councilmembers Comments:**

- Councilman Lee stated he was at a County Commissioners meeting and a young lady spoke, but was hesitant to provide her name and address citing safety concerns. He questioned if a speaker was required to provide this information at Town Council meetings. Town Manager Michael Scott responded there was no requirement to provide this information, but historically, it was important for the Council to know if the speaker was a Smithfield tax payer.

Councilman Lee congratulated the Neuse Charter School volleyball team and the Smithfield Selma High School football team for their outstanding seasons. He asked that both teams be recognized by the Town Council.

- Councilman Barbour expressed his appreciation to the Planning Department for all their hard work as it related to all the new growth in Smithfield.
- Councilman Scott expressed his appreciation to Sarah Edwards and the Junior Women’s League for the Touch a Truck event. Councilman Scott further stated in light of the recent court ruling on vaccine mandates, he publicly wanted to announce he was adamantly against forcing anyone to make the decision to take medication.
- Mayor Pro-Tem Dunn welcomed Chief Michael Brown to Smithfield.

**Town Manager’s Report:**

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

Parks and Recreation is ready to kick off a festive event to celebrate and thank our veterans on Veterans Day, Thursday, November 11th. This will include music, food and fireworks at Community Park from 4:00 to 7:30 pm. Fireworks are schedule for 7:00.

At this time, the Town is planning to have the 2021 Christmas Tree lighting on December 2nd and the annual Parade on December 9th on Market Street. Please mark your calendars.

The annual SwimsGiving event at the SRAC is scheduled for November 14th, where four (4) cans of perishable food items, gets a person into the SRAC pools for fun.

The annual Grinch Run is scheduled to begin at Community Park on December 4th. A new toy for Christmas Giving is the price for entry.

Sanitation customers who normally have their trash and yard debris picked up on Thursdays, will have their trash and yard debris picked up on Wednesday, during the Thanksgiving week.

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

Councilman Barbour made a motion, seconded by Councilman Rabil, to enter into Closed Session pursuant to the aforementioned statute. Unanimously approved at approximately 8:57 pm

**Reconvene in Open Session**

Councilman Barbour made a motion, seconded by Councilman Rabil, to reconvene in Open Session. Unanimously approved at approximately 9:33 pm.

No action was taken by the Council following the Closed Session

**Adjourn**

Being no further business, Councilman Scott made a motion, seconded by Councilman Barbour, to adjourn the meeting. Unanimously approved. The meeting adjourned at approximately 9:34 pm.

ATTEST:

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M. Andy Moore, Mayor

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Shannan L. Parrish, Town Clerk





# Request for Town Council Action

Consent  
Agenda  
Item:  
Date: 12/07/2021  
Police  
Promotion

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Subject: Promotion  
Department: Police Department  
Presented by: Chief of Police - R.K. Powell  
Presentation: Consent Agenda

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## Issue Statement

This is a request to promote one officer from the rank of Police Officer II (POII) to Master Police Officer (MPO), moving from pay grade 17 to pay grade 18. Under the **Town's Employee Handbook, all promotions to a higher pay grade will be accompanied** by an increase to the next pay grade minimum salary or 5% increase, whichever is greater.

## Financial Impact

Approved Budgeted Amount for FY 2020-2021: Covered by the Current Budget

**This salary increase will be covered by the police department's current budget and will not** require a budget amendment to the current salary line item. In this case the required salary increase for the 2021/2022 Budget will cost will be \$1,179.92 which will be covered by budget.

## Action Needed

The Officer has followed the attached career ladder policy previously approved by the Council found in the support documentation and has earned the promotion. The Police Chief recommends this promotion and a five percent salary increase, moving him to the next pay grade in the current Town salary schedule (see attached)

## Recommendation

It is requested to allow this Officer to be promoted to Master Patrol Officer (MPO).

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff Report
2. Officer Request/ Training
3. Career Ladder Policy



# Staff Report

Consent  
Agenda  
Item: Police  
Promotion

---

This is a request to promote one officer from the rank of Police Officer II (POII) to Master Police Officer (MPO), **moving from pay grade 17 to pay grade 18. Under the Town's Employee Handbook, all promotions to a higher pay grade will be accompanied by an increase to the next pay grade minimum salary or 5% increase, whichever is greater.**

# Smithfield Police Department

## Interoffice Memorandum

Date: 11/19/2021  
To: Lt B.K. O'Branovich *BOB*  
From: Patrol Officer  
Subject: Advancement to Master Police Officer.

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This memorandum is a formal letter requesting advancement to the level of Master Police Officer. The following is information required by General Orders (504- Promotions & Career Ladder Advancement) to proceed with the consideration for this assignment.

I meet the minimum application requirements in that:

- Upon being hired by the Smithfield Police Department, I was effectively awarded the rank of P.O. II by the Town of Smithfield. I began my tenure as a Smithfield Police Officer on November 23, 2021.
- I have taken the following classes to comply with the Smithfield Police Department's General Orders:
  1. Management/Supervision Training, requires 40 hours:  
Field Training Officer, 04/12/2021-04/16/2021 (40 hours)
  2. 80 hours of community policing training, including 40 hours as a P.O. II:  
Crisis Intervention Training, 04/23/2018-04/27/2018 (40 hours)  
TOTAL: 80 HOURS
  3. On January 12, 2021, I was awarded my Intermediate Law Enforcement Certificate by the North Carolina Justice Education and Training and Standards Commission.
- I received my last annual review with a rating of outstanding.
- I have not had any disciplinary actions against me in the past 12 months.

It is my hopes that you consider this advancement to Master Police Officer. I appreciate the opportunities that I have been awarded with our agency. I look forward to representing and serving our agency and community with pride and honor. Please feel free to make contact with me if there are any questions or concerns.

CC: Cap-t. Grady *JM*  
cc: Chief Powell

# Department of Criminal Justice Programs

## Certificate of Completion

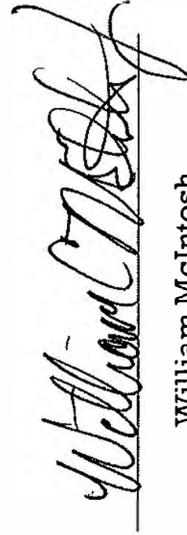
THIS CERTIFICATE IS AWARDED TO

FOR SUCCESSFUL COMPLETION OF

### Field Training Officer

JOHNSTON COMMUNITY COLLEGE

April 12-16, 2021



William McIntosh

Director of Commission Programs

# Department of Justice



*Of the State of*

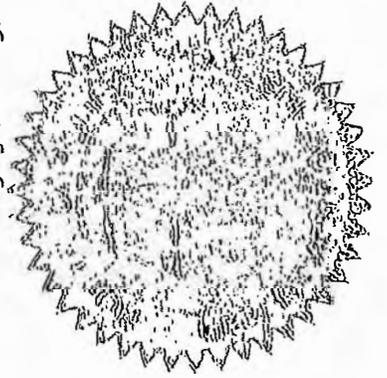
*North Carolina*

## *North Carolina Criminal Justice Education and Training Standards Commission*

*By virtue of the authority vested in the laws of the State and in recognition of the satisfactory completion of the basic training requirements and the demonstrated ability to perform those tasks required of a criminal justice officer, the North Carolina Criminal Justice Education and Training Standards Commission hereby awards to*

### *Intermediate Law Enforcement Certificate*

*Signed this 12th day of January, 2021*



A handwritten signature in black ink, appearing to read "Steve P. Adams".

*Commission Chairman*

A handwritten signature in black ink, appearing to read "S.E. G. Cobb".

*Director, CJ Standards Division*

Date: September 28, 2020  
Name: Leagan, Derek Anthony

Student ID: 0267743  
Birth Date: 08 17 1991

Issued to:

Continuing Education:

Course	Title	Grd	Repeat	Contact Hrs	CEU's (if appl)	Course Dates
LLB-LEARNLA	Learning Laboratory - Gra	S		3.00	0.00	04/16/10-05/06/10
LLB-LEARNLA	Learning Laboratory - Gra	S		6.00	0.00	08/16/10-12/11/10
CJC-3952W	Human Trafficking Awarene	S		2.00	0.20	05/02/16-05/23/16
CJC-3952C	JMST: The Color of Justic	S		2.00	0.20	05/02/16-05/23/16
CJC-3952B	Legal Update	S		4.00	0.40	05/02/16-05/23/16
CJC-5020DU	Firearms Combat Course	S		6.00	0.60	05/03/16-05/24/16
CJC-3925B	Firearm Tr & Qual Inc/Sho	S		10.00	1.00	05/03/16-05/24/16
CJC-3952BQ	Firearm Law: Citizens & G	S		2.00	0.20	05/04/16-05/25/16
CJC-5020BK	Offensive Strategic Body	S		8.00	0.80	05/05/16-05/26/16
CJC-3952R	L/E Intelligence Update	S		4.00	0.40	05/06/16-05/27/16
CJC-3952BU	Ldrshp:Modeling Appr Beha	S		2.00	0.20	05/06/16-05/27/16
CJC-3952BR	Body Camera/Video Evidenc	S		2.00	0.20	05/06/16-05/27/16
EMS-3200C	Narcan Training	S		2.00	0.20	05/16/16-05/16/16
CJC-3952AE	Officer Safety First 5 Mi	S		2.00	0.20	05/17/16-05/17/16
CJC-5020AS	Intro to DCI Network	S		12.00	1.20	05/19/16-05/20/16
CJC-5020BX	Taser Technology	S		6.00	0.60	05/24/16-05/24/16
CJC-5020CZ	Ethics for Law Enforcemen	S		2.00	0.20	06/01/16-06/01/16
CJC-5000Y	DWI-SFST	S		32.00	3.20	06/06/16-06/09/16
CJC-5020BF	Crisis Management Interve	S		36.00	3.60	04/23/18-04/27/18
CJC-3925A	Firearms Trng & Qual LE	S		8.00	0.80	11/05/19-11/07/19
CJC-5020FK	Essentials of Crowd Contr	S		4.00	0.40	06/03/20-06/03/20
CJC-3934A	Radar Operator Cert Train	S		30.00	3.00	08/28/20-08/30/20

END OF TRANSCRIPT

*K. Elizabeth Murphy*  
Registrar  
Cape Fear Community College



**Chapter 500**  
**Personnel Policy 504: Promotions & Career Development**  
**Effective Date: January 1, 2014 Revised Date: June 15, 2020**  
**Approved by: Chief Robert K. Powell**

*R.K. Powell*

**I. POLICY STATEMENT**

It shall be the policy of the Department to select the most qualified candidates to fulfill the duties and responsibilities of each position within the agency. All aspects of this policy are in keeping with the Department's goals as an equal opportunity employer.

**II. COMMENTARY**

The purpose of this directive is to establish guidelines for the administration of the Department's promotion process.

A career ladder program will provide for the advancement of police officers who demonstrate increasing levels of knowledge, skills, and abilities. Advancement and promotional processes will be administered fairly and impartially, using testing and evaluation mechanisms that evaluate past performance as well as future potential through the use of job-related criteria.

**III. PROCEDURES**

**A. Administration**

1. The Smithfield Police Department is responsible for the administration of the promotion process. When deemed necessary, assistance may be utilized from other entities within or outside of Town government.
2. The Chief of Police has the authority and responsibility for administering the Department's promotion process. All promotional materials will be maintained and secured in the Chief's office.
3. Responsibilities of the Chief of Police include:
  - a) Maintaining authority over all phases of the process
  - b) Determining the skills, knowledge, and abilities required for each position
  - c) Initiating promotional processes on an as-needed basis
  - d) Selecting a candidate for promotion at the completion of the process

4. The Chief of Police may delegate selected duties to other Departmental employees to facilitate the promotional process.

5. When it is deemed in the best interest of the Department, the Chief of Police may waive any of the prescribes qualifications or eligibility requirements, except those established by the North Carolina Criminal Justice Education and Training Standards Commission or other legal authority.

B. Vacancy Announcements

1. Prior to the commencement of any promotional process, the Department will post written notices announcing the following information:

- a) Description of the position to be filled;
- b) Description of eligibility requirements;
- c) Closing date

2. Personnel eligible to participate in the promotional process will submit a letter of intent through the chain of command to the Chief of Police. The candidate's supervisor and each person in the chain of command will indicate approval or disapproval of the candidate's suitability to participate in the process. Disapprovals must be justified in writing and forwarded to the Chief of Police.

3. Once the application period for the given position has been officially closed, all eligible applicants who meet the minimum requirements for the position will be considered for the Department's promotional process. The Chief of Police or designee will ensure the eligibility of the applicants prior to the beginning of the promotion process.

4. When deemed necessary, the Chief of Police has the authority to order a written test for any promotional process. Written tests given will be standardized, validated, and approved by the Town Human Resources Department.

5. An officer who is not recommended for promotion by his/her supervisor will receive a written recommendation for improvement and a follow-up date for review by the supervisor. The officer has the right to appeal through the appropriate chain of command to the Chief of Police.

C. Promotional Procedures

1. Chief of Police or designee will conduct a review of applicable Human Resources and Departmental personnel records in order to evaluate the promotional potential of the candidates. This review serves to verify law enforcement credentials, certifications, and work performance history of the applicants to ensure that the minimum qualifications have been met for each applicant. Candidates are not ranked at this point of the process; however, candidates who do not meet all the preferred qualifications for the position may be eliminated at this stage of the process. Candidates are ranked according to their promotional potential only at the completion of the assessment center phase of the promotion process.

2. The promotional process will consist of an assessment designed to measure each candidate's ability to perform the specific job; The assessment will evaluate each candidate's performance in handling job-related problems and situations through specially-developed simulation exercises; Promotional assessments may include, but are not limited to, written projects, oral presentations, oral interviews, conflict role plays, and counseling role plays.

3. Prior to each promotional process, promotional procedures will be reviewed to determine current applicability. A description of the selection process will be provided to each candidate.

4. The Chief of Police will evaluate the Department's promotional process as needed. The process will be evaluated for validity and effectiveness. All components of the promotion process will be job related and non-discriminatory. Tests used in the process will be purchased from a commercial vendor that have completed validity studies for job relatedness and non-discriminatory practices.

5. For general promotional purposes, lateral entry from other agencies for supervisory positions will not be commonly practiced. However, prior experience at another law enforcement agency may be used toward meeting the requirements for a higher level position after initial entry requirements (including probationary period) are met. Prior experience with another agency will be assessed and a lateral-entry candidate's eligibility for hire above the classification of entry level officer will be evaluated by the Chief of Police on a case-by-case basis. (Exception to this is the position of Chief of Police and any other senior management positions as determined by the Town Manager).

6. Newly hired and newly promoted personnel will serve a probationary period of six months as required by the Town of Smithfield *Personnel Policy*. An evaluation of performance will be conducted after the completion of six months for newly promoted personnel. Newly hired personnel will be evaluated in accordance with Departmental standards.

#### D. Minimum Qualifications for Promotion

##### 1. Sergeant

To be eligible for promotion to the position of Sergeant, candidates must:

- a) Have served as a Master Police Officer for two years;
- b) Have completed a total of 172 training hours;
- c) Within 12 months of promotion to Sergeant, an officer must complete First Line Supervision;
- d) Have been awarded the Intermediate Law Enforcement Certificate by the North Carolina Criminal Justice Education and Training Standards Commission;
- e) Have received a rating of "Better than Satisfactory" or higher on the last two annual performance appraisals or a rating of "Outstanding" on the last annual performance appraisal;
- f) The effect of disciplinary action on eligibility for advancement is at the supervisor's discretion.

## 2. Lieutenant

To be eligible for promotion to the position of Lieutenant, candidates must:

- a) Have served as a Sergeant for two years;
- b) Within 12 months of promotion to Lieutenant, an officer must complete a Law Enforcement management program such as AOMP, FBI National Academy, etc;
- c) Have been awarded the Intermediate Law Enforcement Certificate by the North Carolina Criminal Justice Education and Training Standards Commission;
- d) Have received a rating of "Better than Satisfactory" or higher on the last two annual performance appraisals or a rating of "Outstanding" on the last annual performance appraisal;
- e) The effect of disciplinary action on eligibility for advancement is at the supervisor's discretion.

## 3. Captain

To be eligible for promotion to the position of Captain, candidates must:

- a) Have served as a Lieutenant with the Smithfield Police Department for two years;
- b) Have completed a Law Enforcement management program such as AOMP, FBI National Academy, etc;
- c) Have been awarded the Advanced Law Enforcement Certificate by the North Carolina Criminal Justice Education and Training Standards Commission;
- d) Have received a rating of "Better than Satisfactory" or higher on the last two annual performance appraisals or a rating of "Outstanding" on the last annual performance appraisal;
- e) The effect of disciplinary action on eligibility for advancement is at the supervisor's discretion.

7. Newly hired and newly promoted personnel will serve a probationary period of six months as required by the Town of Smithfield *Personnel Policy*. An evaluation of performance will be conducted after the completion of six months for newly promoted personnel. Newly hired personnel will be evaluated in accordance with Departmental standards.

## E. Review and Appeal

1. Within (5) working days of the conclusion of a promotional process, candidates may review their performance results in each element of the promotional process to include:

- a) Review of the answer key to any written exams administered, unless prohibited by the leaseholder of the test
- b) Review of the written results of scored elements of the selection process
- c) Review of reports/materials used in the selection process

However, in accordance with NCGS 160A-168(C1), testing or examination materials may be withheld from disclosure to the employee or other persons if the material was used solely to determine qualifications for promotion and in the opinion of the agency the disclosure of such material would compromise the objectivity or the fairness of the testing or examination process.

2. Candidates may contest any results filed by requesting a meeting with the Chief of Police or designee administering the process. The Chief of Police or designee will conduct a review of the report(s) and discuss findings with all staff in the supervisory chain of command.

3. The Chief of Police or designee will inform the contesting employee of the final decision at the completion of the review.

4. If an employee feels that fair treatment has not been received during any portion of the promotional process, he/she is urged to use the Department's grievance procedures contained in Policy 507.

F. Career Ladder

1. The career ladder program will include the following classifications.

- a) Police Officer I
- b) Police Officer II
- c) Master Police Officer

2. Each level in the career ladder will have certain minimum requirements necessary to qualify for advancement or promotion to the next level. Upon fulfilling the requirements necessary for advancement to Police Officer II and Master Police Officer the officer will submit a memorandum to the Chief of Police containing the following information:

- a) Hire date
- b) Date of last advancement, if applicable
- c) Level of education
- d) Complete list of required classes and dates attended
- e) Date awarded applicable law enforcement certificate(s)

3. This memorandum must be endorsed by the officer's Team Commander and the appropriate Division Commander. The Division Commander will forward the memorandum to the Chief of Police after having verified the information contained therein.

4. An officer who is not recommended for advancement will receive a written recommendation for improvement and a follow-up date for review by the supervisor. The officer has the right to appeal through the appropriate chain of command to the Chief of Police.

5. After consideration of all factors deemed relevant by the Chief of Police, the officer will be notified of the advancement decision within 30 days following receipt of the memorandum by the Chief of Police.

G. Minimum Qualifications for Advancement

1. Police Officer I

Entry-level candidates must:

- a) Meet the basic requirements established by the North Carolina Criminal Justice Education and Training Standards Commission
- b) Meet minimal requirements for employment with the Town of Smithfield as set forth in the Town of Smithfield Personnel Policy
- c) Appear before a Department review board made up of officers selected by the Chief of Police
- d) Pass an extensive background investigation and successfully complete a psychological evaluation, physical examination, drug test, and CVSA examination

All finalists will be interviewed by the Chief of Police. Officers are required to successfully complete the department's Field Training Program and required Solo Patrol Assignment within the first year of Probationary employment.

2. Police Officer II

To be considered for advancement to Police Officer II, candidates must:

- a) Have completed the following as a Police Officer I:
  - \* Successfully completed one year probation and probationary requirements in as required in Police Officer I
  - \* Receive Radar Certification
  - \* Receive Standardized Field Sobriety Testing Certification
  - \* Receive Intoximeter Certification
- b) Have been awarded the Basic Law Enforcement Certificate by the North Carolina Criminal Justice Education and Training Standards Commission
- c) Have received a rating of "Satisfactory" or higher on the last annual performance appraisal
- d) The effect of disciplinary action on eligibility for advancement is at the supervisor's discretion.

3. Master Police Officer

To be considered for advancement to Master Police Officer, candidates must:

- a) Have served as a Police Officer II for one year
- b) Have completed training hours, including:
  - 40 hours of Management/Supervision Training
  - Field Training Officer Certification and become Field Training Officer for the Department. After completion of FTO Training, the officer can be assigned a trainee by the Chief of Police or his Designee
  - Completion of Crisis Intervention Team (CIT) Certification.

- c) Have received a rating of "Better than Satisfactory" or higher on the last two annual performance appraisals or a rating of "Outstanding" on the last annual performance appraisal
- d) The effect of disciplinary action on eligibility for advancement is at the supervisor's discretion.





# Request for Town Council Action

Consent  
Agenda  
Item: HVAC for  
Library  
Date: 12/07/2021

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Subject: Replacement HVAC for Library  
Department: Non-Departmental  
Presented by: Town Manager – Michael Scott  
Presentation: Consent Agenda Item

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## Issue Statement

The Johnston County Library has a need to replace its HVAC control system. A Memorandum of Understanding created in 2016 exists to apportion these costs between the Library, The Town of Smithfield and Johnston County Government. The Town's portion is **\$22,929.20**.

## Financial Impact

\$22,929.20 from General Fund Contingency.

## Action Needed

Approve allocation of \$22,929.20 to the Library upon completion/installation of a new HVAC Control System at a total cost of \$61,323.00.

## Recommendation

Approve expenditure.

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff Report
2. Bid Sheets
3. Memorandum of Understanding



# Staff Report

Consent  
Agenda  
Item HVAC for  
Library

The Johnston County Library has a need to replace its HVAC Control System due to controller failures. Johnston County Building and Grounds Department is responsible for assisting the Library with these types of needs. The Counties Facilities Superintendent, Daniel Clifton, went out for bid on the project and received three bids. They are as follows:

Envirocon, Inc:	\$61,323
Energy Automation Technologies:	\$68,900
Environmental Air Systems:	\$77,198

The County Building and Grounds Department is asking to proceed with the low bid of \$61,323.

The Town is party to a Memorandum of Understanding (MOU) which was created in 2016. The MOU explains the cost share as the Library picking up the first \$4,000 of any *"...nonbudgeted, necessary facility maintenance and repair project for the Property."* The Town then is responsible for 40% of the remaining balance with the County paying for 60% of the remaining balance.

This equates to:

Library:	\$ 4,000.00
Town:	\$22,929.20
County:	<u>\$34,393.80</u>
Total:	\$61,323.00

**Funds for this expenditure would originate from the Town's** General Fund Contingency Line which currently has been unused this fiscal year holding a balance of \$273,524.00.

# ENVIROCON, INC.

# QUOTATION

P.O. BOX 7349  
 WILSON, NORTH CAROLINA 27895-7349  
 Phone (252) 291-4618 Fax (252) 291-6224

TO:		BID DATE: 10/4/2021	SALES PERSON: Charles McKee
JOB: Johnston Library 305 E Market Street, Smithfield			INQUIRY NUMBER:
ESTIMATED SHIPPING DATE	SHIPPED VIA	F.O.B.	TERMS

We propose to provide the following as outlined below:

**Library Included:**

- 1) Remove the existing controllers. The existing control panels, transformers, relays, sensors, current switches, emergency stop switches, fire alarm shutdown relays, control valves, control dampers, and all associated wiring shall remain and be reused.
- 2) Niagara N4 building automation system controller/operator work station/webserver with standard protocol drivers (BACnet, Lon, and Modbus), IO Module, 1 year software maintenance agreement, and installation. Will replace the existing JACE in the Library.
- 3) Install BACnet Distech controllers for (12-total) AHU's to be mounted in existing control panels including new damper actuator, and valve actuator retrofit kits.
- 4) Install BACnet Distech controller for the (2-total) boiler/chiller system in existing control panel.
- 7) Extension the existing control wiring and terminate wiring as required.
- 8) Updated control drawings to show the new control system layout, controllers, and wiring modifications.
- 9) Programming as required to control the HVAC equipment to the existing sequence of operations.
- 10) HTML5 graphics of HVAC systems and floor plans.
- 11) Control systems functional verification testing.
- 12) Four hours of training.
- 13) One year parts and labor warranty on new equipment.

**NOT INCLUDED:**

- 1) Desktop or laptop computer.
- 2) Ethernet cable, switches, and connection to the network.
- 3) Replacement of existing control devices and wiring found to be defective.
- 4) Afterhours work. Normal work hours are 7am to 6pm, Monday - Thursday.

**PRICING:**

TOTAL PRICE..... **\$61,323.00**

WE ARE PLEASED TO SUBMIT THE ABOVE QUOTATION FOR YOUR CONSIDERATION, SHOULD YOU PLACE AN ORDER, BE ASSURED IT WILL RECEIVE OUR PROMPT ATTENTION. THIS QUOTATION, FORMAL PURCHASE ORDER, AND/OR SUBCONTRACT FOR SERVICES DESCRIBED IS SUBJECT TO THE CONDITIONS ON THE ATTACHED, AND IS VALID FOR 60 DAYS. THEREAFTER IT IS SUBJECT TO CHANGE WITHOUT NOTICE.

BY \_\_\_\_\_ ACCEPTED \_\_\_\_\_ DATE \_\_\_\_\_

PLEASE SIGN ONE COPY AND RETURN WITH YOUR PURCHASE ORDER

*THANK YOU*



**Job: Johnston County Library**

**Owner: Same**

**Bid Date: 10-06-2021**

**Quote Valid: 30 days**

**Submitted by: Doug Hare**

**Quote Number: 1021-JCLib**

**Scope of Work:**

We will provide Distech / Vykon control system replacing the existing Johnson BAS. We will replace the damper and valve actuators and reuse sensors, relays, raceways and cable where possible. Below is the scope of work.

We will provide the following as part of the Library proposal:
<ul style="list-style-type: none"><li>• (1) Vykon Jace 8025<ul style="list-style-type: none"><li>○ Graphics</li><li>○ Trends</li><li>○ Alarms</li></ul></li><li>• (13) Distech ECB-203 AHU Controllers<ul style="list-style-type: none"><li>○ Supply / Return air sensors</li><li>○ Fan Proof</li><li>○ Space temperature with OVR and user adjustment</li><li>○ (2) New valve actuators for existing Johnson valve bodies</li><li>○ (1) New Belimo OA damper actuator</li></ul></li><li>• (2) Distech Boiler controllers<ul style="list-style-type: none"><li>○ Supply and return sensors</li><li>○ Boiler S/S</li><li>○ Pump S/S</li><li>○ Pump Proof</li></ul></li><li>• (2) Distech Chiller controllers<ul style="list-style-type: none"><li>○ Supply and return sensors</li><li>○ Chiller S/S</li><li>○ Pump S/S</li><li>○ Pump Proof</li></ul></li><li>• Installation of devices provided by us<ul style="list-style-type: none"><li>○ Conduit in electrical rooms and on roof</li><li>○ Cable run exposed in all other areas</li></ul></li><li>• 1 year parts and labor warranty on our work</li></ul>



**We exclude the following:**

- Items not listed above
- Repair work of mechanical systems
- Disconnect(s), VFD(s), or Starter(s)
- Power wiring
- Fire alarm work

**Total proposed cost for the Library \$ 68,900.00**

*Thank you for the opportunity to deliver this quotation.  
We are hopeful to work with you on this project.*

**Environmental Air Systems  
DBA - Envirotrol**

**Johnston County Library  
Control Retrofit**

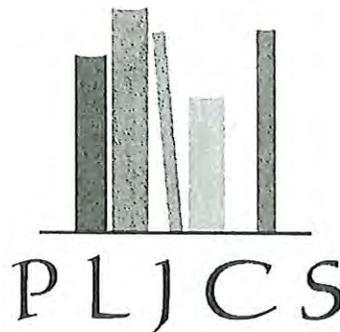
***Proposed Project Agreement***

**Date:**  
6/4/2021

**Proposal Number:**  
P03034

**Prepared for:**  
Johnston County Library  
305 East Market Street  
Smithfield, North Carolina 27577

**Prepared by:**  
Andres Barrios  
336-420-8590  
andres.barrios@etrol.net



## PROJECT PROPOSAL

### Company

Envirotrol, LLC  
7311 ACC Blvd.  
Raleigh, NC 27617  
Ph: 336-420-8590

Proposal Date: 6/4/2021  
Proposal Number: P03034

### Bill to Identity

Johnston County Library  
305 East Market Street  
Smithfield, North Carolina 27577  
daniel Clifton

### Agreement Location

Johnston County Library  
305 East Market Street  
Smithfield, North Carolina 27577  
daniel Clifton

**WE ARE PLEASED TO SUBMIT OUR PROPOSAL TO PERFORM THE FOLLOWING:**

### Scope of Service to Include:

- Controls Retrofit of main library building only using Distech Controls.
- Perform Safety Audit to identify any work hazards that may exist in the work area.
- Lock-out/tag-out all primary and secondary voltages
- Rebuild the existing Jace panel and install 1 (one) new Jace in order to separate the buildings. Existing Jace will remain as is for the other building,
- Remove and replace (10) field control panels for AHU's and FCU's, (4 panels and controllers are located above the ceiling).
- Remove and replace controller for chiller 1 and boiler 1, (1 controller)
- Remove and replace controller for chiller 2 and boiler2, (1 controller)
- Replace (16) duct sensors, (10) space temp sensors, (6) CT status sensors on the pumps, (4) immersion sensors, and (1) outdoor air sensor, as needed.
- Replace (10) chilled water valve actuators
- Replace (10) hot water valve actuators
- Replace (10) outside air damper actuators
- Includes new control wiring where needed, an existing conduit to be used
- Includes Hardware Engineering, Software Engineering, Installation, Programming (as to match existing operation), Graphics (as to match the existing style and look), Standard Envirotrol Commissioning
- 

### Exclusions / Clarifications:

- Provisions and installation of work outside the scope of this quote is not included
- Distech are increasing their prices as of November 1, 2021, A PO# must be issued by October 25, to avoid the price increase
- Price increases will be reflected in District parts
- This quote is valid for 30 days and supersedes any previous quote
- All work is quoted during normal business hours (Mon – Fri 8:00 am-5:00 pm)
- Tax is not included. Any applicable taxes will be applied at invoicing
- Furniture, where the controllers are above the ceiling, must be moved by the owner prior to work commencing.
- Any work to existing mechanical equipment, including but not limited to chillers, boilers, pumps, dampers, valves, fans is not included.

- We are reusing existing conduit
- Chilled water valves and hot water valves are being reused and new actuators will be installed on them
- Chiller pumps and boilers pumps are hard-wired connections (Start/Stop)
- The style and look of the existing chiller, boiler, and air handler graphics will be used for the new graphics
- Third-party commissioning is not included
- Any electrical work and electrical upgrades are not included
- Test and balance is not included
- Server and system connection to the server is not included.
- The client's IT department will provide an IP drop and IP address for the new Jace
- Excludes any work to the 2nd building and existing Jace

• **OUR BASE PRICE FOR THIS PROPOSAL IS**  
 .....\$77,198.00

- **Alternate # 1:** Laptop workstation \$600.00, for view and setpoint access only, (no programming software included) priced as Lenovo - Ideapad 3 15 15.6" Touch-Screen Laptop - Intel Core i3 - 8GB Memory - 256GB SSD
- **Alternate #2:** Preventive Maintenance Agreement (1 Year) \$5,161.00

WARRANTY: Our warranty on work performed is one (1) year, parts and (90) days labor.

**TERMS OF PAYMENT:** The first 20% of the cost of scope of work will be billed to the customer upon acceptance of this agreement (for projects over \$15,000). The balance of the price will be billed monthly or upon completion of the project.

Upon execution as provided below, this agreement, including the following pages attached hereto (collectively, the "Agreement"), shall become a binding and enforceable agreement against both parties hereto. Customer, by execution of this Agreement, acknowledges that it has reviewed and understands the attached terms and conditions and has the authority to enter into this Agreement.

**Environmental Air Systems dba Envirotrol**

\_\_\_\_\_  
 Signature (Authorized Representative)

\_\_\_\_\_  
 Name (Print/ Type)

\_\_\_\_\_  
 Phone

6/4/2021                      P03034

\_\_\_\_\_  
 Date                              Proposal #

**Customer**

\_\_\_\_\_  
 Signature (Authorized Representative)

\_\_\_\_\_  
 Name (Print/ Type)

\_\_\_\_\_  
 Title

\_\_\_\_\_  
 Date                              PO#

## **Project Agreement Terms and Conditions**

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By accepting this proposal, Purchaser agrees to be bound by the following terms and conditions:

1. **Limitation of Liability.** Filters, belts, fuses, sewer stoppages, lamps, and other wear items requiring regular replacement and maintenance are not covered by any warranty. Envirotrol, LLC shall not be liable for special, indirect, incidental or consequential damages whether in contract, tort or otherwise. Envirotrol, LLC shall not be liable for any loss or damage resulting from any cause beyond Envirotrol, LLC's reasonable control, including, without limitation, an act of God, act or omission of Customer, act of civil or military authority, governmental priority or other allocation or control, fire, strike or other labor difficulty, riot or other civil disturbance, delay in transportation or any other commercial impracticability. Envirotrol, LLC shall not be liable for any advice, instruction, assistance or services that are not required under this Agreement or for which Envirotrol, LLC does not charge Customer. All Services will be performed in a workmanlike manner.
2. **Scope of Services.** Envirotrol, LLC's Services hereunder are limited to those described in the Scope of Work. Costs contained herein are for the Scope of Work, including labor and sales tax unless otherwise noted. Unless otherwise noted in the Proposal, all Services will be completed Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. excluding Envirotrol, LLC designated holidays ("Normal Business Hours") unless otherwise noted. Envirotrol, LLC will be free to start and stop all equipment and machinery incidental to the operation of the mechanical system(s) as arranged with Customer.
3. **Payment.** Customer shall make payment to Envirotrol, LLC within thirty (30) days of the date of invoice unless otherwise stated in the Agreement. Should payment become thirty (30) days or more delinquent, Envirotrol, LLC may stop all work under this Agreement without notice and/or terminate this Agreement. Interest shall accrue at the rate of one and one-half percent (1½ %) per month on all balances still unpaid after thirty (30) days and shall accrue until all principal and interest is paid in full by Customer. In the event Envirotrol, LLC must commence legal action to recover amounts owed to it under this Agreement, Customer agrees to reimburse Envirotrol, LLC for all collection costs incurred by Envirotrol, LLC, including court costs and attorney's fees. A three percent (3%) fee will automatically be added to each invoice paid by credit card. Final acceptance of this agreement by Envirotrol, LLC is contingent upon review and acceptance of Customer's credit rating.
4. **Taxes.** The price of this proposal does not include duties, sales, use, excise, or other similar taxes, unless required by federal, state or local law. Purchaser shall pay, in addition to the stated price, all taxes not legally required to be paid by Envirotrol or, alternatively, shall provide Envirotrol with acceptable tax exemption certificates. Envirotrol shall provide Purchaser with any tax payment certificate upon request and after completion and acceptance of the work.
5. **Hazardous Substances.** Customer agrees to comply with all applicable federal, state, and municipal laws and regulations addressing hazardous materials and substances, including but not limited to asbestos, lead, mold, and bacteria and to provide notice to Envirotrol, LLC of any hazardous materials, substances, and conditions that are, or may be present in the vicinity of Envirotrol, LLC's Work. Envirotrol, LLC's Services do not include the identification, detection, abatement, encapsulation or removal of hazardous conditions, products or materials or material containing asbestos, lead, mold or other hazardous substances. In the event Envirotrol, LLC encounters any hazardous substances in the course of execution of the Work, Envirotrol, LLC shall have the right to discontinue its Work and remove its employees from the premises until Customer takes all action required to fully and satisfactorily abate, encapsulate or remove the hazardous conditions in the manner required by law or industry standards, whichever is stricter. If, after discontinuing Work, it is determined by Customer that no hazardous substance or condition existed, Envirotrol, LLC shall be entitled to additional time in which to render its services or complete its Work under this Agreement. If the hazardous substance or condition is not remedied by Customer, Envirotrol, LLC shall be entitled, in its sole discretion, to terminate this Agreement without penalty. To the fullest extent permitted by law, Customer further agrees to indemnify Envirotrol, LLC against any and all costs, claims, demands, losses, liabilities, actions, lawsuits and other proceedings, and expenses (including attorney's fees, and expert witness costs) incurred by Envirotrol, LLC and caused by or arising out of the identification, detection, abatement, encapsulation, removal or exposure to hazardous conditions or hazardous materials, including but not limited to asbestos, lead, and/or mold, at Customer's premises. The provisions of this Section shall survive any termination or conclusion of the Agreement.
6. **Indemnification.**
  - (a) To the fullest extent permitted by law, Envirotrol, LLC shall indemnify Customer from and against claims, damages, losses and expenses, including, but not limited to, reasonable attorneys' fees, arising out of or resulting from performance of the Work, provided that such claim, damage, loss or expense is attributable to bodily injury, sickness, disease or death or to injury to or destruction of tangible property other than the Work itself, but only to the extent caused by the negligent acts or omissions of Envirotrol, LLC or someone directly or indirectly employed by it or for whose acts it may be liable. Such obligation shall not include any damages caused by or as a result of conditions existing at the Project prior to the commencement of Envirotrol, LLC's Work.
  - (b) To the fullest extent permitted by law, Customer shall indemnify Envirotrol, LLC from and against claims, damages, losses and expenses, including, but not limited to, attorneys' fees, arising out of or resulting from the negligent acts, omissions, and/or breach of this Agreement by Customer or anyone directly or indirectly employed by it or for whose acts Customer may be liable, including any damages caused by or as a result of conditions existing at the Project prior to the commencement of Envirotrol, LLC's Work.

TERMS AND CONDITIONS CONTINUED.

- 7. **Existing Conditions.** Customer will provide reasonable and safe means of access to all Equipment covered by this Agreement. Envirotrol, LLC shall not be held liable for expense incurred in removing, replacing or refinishing any part of the building structure necessary to the execution of this Agreement.

Customer will notify Envirotrol, LLC promptly of any defect in the Equipment. In the event that the Equipment is altered, modified, improperly used, operated beyond capacity, had substitution of parts not approved by Envirotrol, LLC, repaired by others, changed or moved, this Agreement, either in its entirety or in part, may be immediately terminated at Envirotrol, LLC's sole option.

Envirotrol, LLC does not assume any responsibility for deficiencies of system design resulting in lack of system performance.

- 8. **Claims and Disputes.** Envirotrol, LLC and Customer agree that any claim arising from the performance or nonperformance of this Agreement, whether based upon this contract, negligence, strict liability or otherwise, shall be brought within one (1) year from the date such claim arose. The parties agree that any such claims and/or disputes shall be brought in a court of competent jurisdiction in the place where the work is located. Customer and Envirotrol, LLC do hereby waive the right to trial by jury of any and all issues arising in any actions or proceedings between the parties connected with this Agreement or any negotiations in connection therewith.

The parties agree that this Agreement shall be interpreted in accordance with the laws of the place where the Services are performed

- 9. **Termination.** This Agreement and any order or delivery or any Services may be terminated or suspended: (a) by either party if any proceeding under bankruptcy or insolvency laws is brought by or against the party; (b) by a party if the other party defaults in its material obligations and such default is not cured within 60 days of receipt of written notice specifying in detail the default and allowing a meaningful opportunity to correct; (c) by Contractor if it has reason to doubt the ability or willingness of Customer to pay for the Goods and/or Services; (d) by Contractor if Customer fails to follow recommendations of Contractor or fails to exercise good product stewardship; (e) by Contractor if the sale or use of any of the Goods might violate any intellectual property rights; or (f) by either party at the end of any term as defined herein, or one-year period (whichever is longer), by giving thirty (30) days' notice in writing in advance to the other party. If the Agreement is not cancelled as herein provided, it shall automatically renew from year to year. Upon renewal Envirotrol, LLC

reserves the right to increase the Annual Fee. Notice of any change in the Annual Fee will be provided thirty (30) days prior to renewal. Customer has the right to terminate thirty days before the end of the term or within 30 days of receiving notice of an Annual Fee increase.

- 10. **Confidentiality.** Any asset evaluations, capital budgeting, non-public observations and other representations, and other recommendations made by Envirotrol, LLC or presented in this Agreement to Customer ("Confidential Information") are the proprietary and confidential information of Envirotrol, LLC. Confidential Information is provided solely with the understanding and agreement that Customer will keep the confidential information confidential. Customer may only disclose Confidential Information to Customer personnel and agents on a need-to-know basis and with each being apprised of the nature of the Confidential Information and with the agreement of each party to maintain such in confidence. Copies of this Agreement, information associated with this Agreement, and Envirotrol, LLC's Scope of Work may not be distributed to third-parties without the prior written consent of Envirotrol, LLC.

- 11. **Non-Solicitation.** Customer agrees that for a period of two years from the date hereof, customer will not solicit to employ or engage any of Envirotrol, LLC's officers or employees so long as they are employed or engaged by Envirotrol, LLC, without obtaining Envirotrol, LLC's prior written consent which may be withheld in its sole and absolute discretion; provided, however, that the foregoing shall not prohibit Customer from soliciting any person by means of general advertising.

- 12. **General Provisions.** The commencement of Work by Envirotrol, LLC shall constitute Customer's acceptance of this Proposal, Addenda and the Standard General Terms and Conditions ("Agreement"). Unilateral modifications of this Agreement by Customer will not be binding on Envirotrol, LLC. In the event of any conflict between the terms and requirements of this Agreement, the order of precedence shall be as follows: (1) the requirements of the Proposal; (2) Addenda; (3) Standard General Terms and Conditions.

- 13. **Notices.** Notices shall be in writing and effective upon receipt. Notices to the Customer shall be sent to the party listed and to the address first stated in The Agreement or to any other address specified by them from time to time. Notices to Envirotrol, LLC shall be sent to: Contract Administrator, Envirotrol, LLC, 250 Swathmore Ave., High Point, NC. 27263

High Point Office – Michael Fagg; License #: 8677

\_\_\_\_\_  
Signature Date

Charlotte Office – William Bullock; License #: 6864

\_\_\_\_\_  
Signature Date

Raleigh Office – Thomas Avery; License #: 23060

\_\_\_\_\_  
Signature Date

Greenville SC Office – John David Moorefield Sr; License #: M114006

\_\_\_\_\_  
Signature Date

STATE OF NORTH CAROLINA

COUNTY OF JOHNSTON

**MEMORANDUM OF UNDERSTANDING**

**Between Public Library of Johnston County and Smithfield, County of Johnston and Town of Smithfield**

This Memorandum of Understanding is hereby made between the Public Library of Johnston County and Smithfield (hereinafter referred to as "Public Library"), County of Johnston (hereinafter referred to as "County") and Town of Smithfield (hereinafter referred to as "Town" and collectively referred to together as the "Parties").

WHEREAS, the collaboration between the Parties allows the Public Library to provide necessary library programs and services to citizens of County and Town;

WHEREAS, the collaboration between the Parties includes sharing financial responsibility for the costs of non-budgeted necessary facility maintenance and repair projects for that certain portion of property occupied by the Public Library located at 305 and 309 E. Market Street, Smithfield, North Carolina ("the Property");

WHEREAS, the Parties desire to memorialize their understanding and agreement regarding the payment of the costs of necessary facility maintenance and repair projects for the Property;

NOW, THEREFORE, the Parties agree as follows:

1. The Public Library agrees to pay for each individual maintenance and repair project for the Property in an amount not to exceed \$4,000.00. The Johnston County Building and Grounds Manager will take the lead role in coordinating repair projects.
2. If a proposed maintenance and repair project exceeds \$4,000.00, the Public Library will present the proposed maintenance and repair project to County and Town, and the Parties will evaluate the project for need. Once the project is evaluated for need and all Parties agree that the project is necessary and should be completed, the costs of the maintenance and repair project shall be divided as follows: The Public Library shall pay the first \$4,000.00 of the costs of the maintenance and repair project; The County and Town shall divide the remaining costs of the maintenance and repair project over and above \$4,000.00 with the County paying 60% of the costs of the maintenance and repair project over and above \$4,000.00 and the Town paying 40% of the costs of the maintenance and repair project over and above \$4,000.00.

3. In the event of an emergency repair that is necessary to protect the life, safety, and health of patrons, citizens, and employees, the County agrees to immediately coordinate with the Public Library to make the repair and notify the Town of Smithfield. The Parties shall pay the costs of the project as described in paragraph 2 above, subject always to paragraph 5 below.
4. In the event the Public Library elects to do a voluntary facility upgrade project for the Property, the Public Library shall pay 100% of the facility upgrade.
5. The Public Library shall continuously maintain comprehensive commercial insurance covering the replacement cost of the Property for loss or damage. The Parties understand that certain property damage losses may be eligible for coverage under the Public Library's comprehensive commercial insurance policy. The Public Library shall timely file all claims for loss or damage pursuant to its contract for insurance. To the extent any loss to the Property is covered by insurance, the County and Town shall not be responsible for paying the costs for loss or damage covered by contracts for insurance.
6. This Memorandum of Understanding is effective upon execution by all Parties.

[THE REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY.]

[SIGNATURE PAGE TO FOLLOW.]

SIGNATURE PAGE – MEMORANDUM OF UNDERSTANDING BETWEEN PUBLIC LIBRARY OF JOHNSTON COUNTY AND SMITHFIELD, COUNTY OF JOHNSTON, AND TOWN OF SMITHFIELD

PUBLIC LIBRARY OF JOHNSTON COUNTY AND SMITHFIELD

1-12-16  
Date

*[Signature]*  
Chairman, Board of Trustees

Attest:

*Margaret Marshall*  
Library Director

COUNTY OF JOHNSTON

1-4-16  
Date



*[Signature]*  
Chairman, Board of Commissioners

Attest:

*Dana S. Cuddingfor*  
Deputy Clerk

TOWN OF SMITHFIELD

1-6-16  
Date



*M. Andy [Signature]*  
Mayor

Attest:

*Sharon Williams*  
Town Clerk





# Request for Town Council Action

Consent Advisory  
Agenda Board  
Item: Appointment  
Date: 12/07/2021

---

Subject: Advisory Board Appointments  
Department: General Government  
Presented by: Town Clerk – Shannan Parrish  
Presentation: Consent Agenda Item

---

## Issue Statement

The Town Council is asked to consider a new appointment to the Appearance Commission and a reappointment to the Board of Adjustment and Planning Board

## Financial Impact

Members the Planning Board are paid \$50 a month regardless of meeting attendance. Members of the Board of Adjustment are paid \$25 per meeting attended. These are **budgeted in the Planning Department's annual budget.**

## Action Needed

The Town Council is asked to consider and approve the new appointment of Carmen Zepp to the Appearance Commission and the reappointment of Mark Lane to the Board of Adjustment and Planning Board as an ETJ representative.

## Recommendation

Staff recommends approval of these appointments

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff Report
2. Carmen Zepp – Board Application
3. Mark Lane – Board Application



# Staff Report

Consent    Advisory  
Agenda    Board  
Item      Appointments

---

## Board Appointment

Carmen Zepp has submitted an application for consideration to be appointed to serve a first term on the Appearance Commission.

## Board Reappointment

Mark Lane has submitted an application for consideration to be reappointed to a fifth term on the Board of Adjustment and Planning Board as an ETJ Representative.

## Current Board vacancies are as follows:

- Appearance Commission – 2 positions
- Historic Properties Commission – 4 positions
- Parks and Recreation Advisory Commission – 2 positions and 2 High School representative positions



**Town of Smithfield**  
**Board, Commission, or Committee**  
**Application**

Name: \_\_\_\_\_  
(Last) (First) (MI)

Home Address: \_\_\_\_\_

Business Name & Address: \_\_\_\_\_

Telephone Numbers: \_\_\_\_\_  
(Home) (Mobile) (Email)

Please check the Board(s) that you wish to serve on:

Appearance Commission	Parks/Recreation Advisory Commission
Board of Adjustment In Town Resident	Planning Board In-Town Resident
Board of Adjustment ETJ Member	Planning Board ETJ Resident
Historic Properties Commission	Other: _____
Library Board of Directors	_____

Interests & Skills: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Circle highest level of education completed: (High School) 10 11 12 GED College 1 2 3 4 5 6

Recent Job Experiences: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Civic or Service Organization Experience: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Town Boards previously served on and year(s) served: \_\_\_\_\_  
\_\_\_\_\_

Please list any other Boards/Commissions/Committees on which you currently serve: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Why are you interested in serving on this Board/Commission/Committee? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Affirmation of Eligibility:**

Has any formal charge of professional misconduct, criminal misdemeanor or felony ever been filed against you in any jurisdiction?

Yes  No If yes, please explain disposition: \_\_\_\_\_  
\_\_\_\_\_

Is there any conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Smithfield Town Council?  Yes  No If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_

I understand this application is public record and I certify that the facts contained in this application are true and correct to the best of my knowledge. I authorize and consent to background checks and to the investigation and verification of all statements contained herein as deemed appropriate and if necessary. I further authorize all information concerning my qualifications to be investigated and release all parties from all liability for any damages that may result from this investigation. I understand and agree that any misstatement may be cause for my removal from any Board/Commission/Committee. I understand regular attendance to any Council Board/Commission/Committee is important and, accordingly, I further understand that if my attendance is less than the standards established for any such body that this is cause for removal. Lacking any written standards for attendance by any Board/Commission/Committee, it is expected that I will attend at least 75% of all meetings during any one calendar year to maintain my seat on any Board/Commission/Committee to which I may be appointed. This form will remain on file in the Office of the Town Clerk and requests for updates will be sought prior to any consideration for reappointment (or future appointment) to any Board/Commission/Committee.

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Return completed for to:

Shannan Parrish  
Town Clerk  
P. O. Box 761  
Smithfield, North Carolina 27577  
Phone: (919) 934-2116 Fax: (919) 989-8937 E-Mail: [shannan.parrish@smithfield-nc.com](mailto:shannan.parrish@smithfield-nc.com)

**Applicants are required to be a resident of the Town of Smithfield for In-Town positions  
and within the Town's ETJ for ETJ positions**



Town of Smithfield
Board, Commission, or Committee
Application

Name: Lane Mark E

Home Address: 2108 Yelverton Grove Road, Smithfield NC 27577 (MI)

Business Name & Address:

Telephone Numbers: 9196693615 (Home) markfd12@aol.com (Mobile) (Email)

Please check the Board(s) that you wish to serve on:

Grid of checkboxes for various boards: Appearance Commission, Board of Adjustment In Town Resident, Board of Adjustment ETJ Member, Historic Properties Commission, Library Board of Directors, Parks/Recreation Advisory Commission, Planning Board In-Town Resident, Planning Board ETJ Resident, Other.

Interests & Skills: working to make my community better

Circle highest level of education completed: (High School) 10 11 12 GED College 1 2 3 4X5 6

Recent Job Experiences: landscape maintenance

Civic or Service Organization Experience: Smithfield Fire Dept., NC State Farmers Market Board, NC Assoc. of Nurserymen, North Carolina Landscape Contractors.

Town Boards previously served on and year(s) served: Planning Board, Board of Adjustments, Smithfield Rural Fire Tax Board

Please list any other Boards/Commissions/Committees on which you currently serve: same as above

Why are you interested in serving on this Board/Commission/Committee?

i have served on these board many years and feel I am very helpful in decesion making

**Affirmation of Eligibility:**

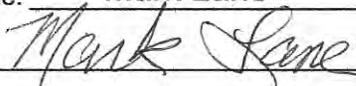
Has any formal charge of professional misconduct, criminal misdemeanor or felony ever been filed against you in any jurisdiction?

Yes  No If yes, please explain disposition: \_\_\_\_\_

Is there any conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Smithfield Town Council?  Yes  No If yes, please explain: \_\_\_\_\_

I understand this application is public record and I certify that the facts contained in this application are true and correct to the best of my knowledge. I authorize and consent to background checks and to the investigation and verification of all statements contained herein as deemed appropriate and if necessary. I further authorize all information concerning my qualifications to be investigated and release all parties from all liability for any damages that may result from this investigation. I understand and agree that any misstatement may be cause for my removal from any Board/Commission/Committee. I understand regular attendance to any Council Board/Commission/Committee is important and, accordingly, I further understand that if my attendance is less than the standards established for any such body that this is cause for removal. Lacking any written standards for attendance by any Board/Commission/Committee, it is expected that I will attend at least 75% of all meetings during any one calendar year to maintain my seat on any Board/Commission/Committee to which I may be appointed. This form will remain on file in the Office of the Town Clerk and requests for updates will be sought prior to any consideration for reappointment (or future appointment) to any Board/Commission/Committee.

Printed Name: Mark Lane

Signature: 

Date: 11/29/2021

Return completed for to:

Shannan Parrish

Town Clerk

P. O. Box 761

Smithfield, North Carolina 27577

Phone: (919) 934-2116 Fax: (919) 989-8937 E-Mail: [shannan.parrish@smithfield-nc.com](mailto:shannan.parrish@smithfield-nc.com)

**Applicants are required to be a resident of the Town of Smithfield for In-Town positions  
and within the Town's ETJ for ETJ positions**



# Staff Report

Consent  
Agenda  
Item: New Hire / Vacancy Report

## Background

Per Policy, upon the hiring of a new or replacement employee, the Town Manager or Department Head shall report the new/replacement hire to the Council on the Consent Agenda at the next scheduled monthly Town Council meeting.

In addition, please find the following current vacancies:

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Electric Line Technician	PU – Electric	31-72-7230-5100-0200
Fire Marshal	Fire	10-60-6220-5100-0200
Police Officer I – Patrol (6 positions)	Police	10-20-5100-5100-0200
Police Officer – Administration	Police	10-20-5100-5100-0200
P/T Collections Assistant	PU – Electric/CS	31-72-7230-5100-0200
P/T Firefighter I/Responders (Up to 5 positions)	Fire	10-20-5300-5100-0200
Payroll/Accounting Technician II	Finance	10-10-4200-5100-0200
	PU – Water/Sewer (1/3)	30-71-7220-5100-0200
	PU – Electric (1/3)	31-72-7230-5100-0200
Pump Station Mechanic	PU – Water Sewer	30-71-7220-5100-0200
Sanitation Equipment Operator	PW - Sanitation	10-40-5800-5100-0200
Sanitation Worker	PW - Sanitation	10-40-5800-5100-0200
Water Plant Operator	PU – Water Plant	30-71-7200-5100-0200

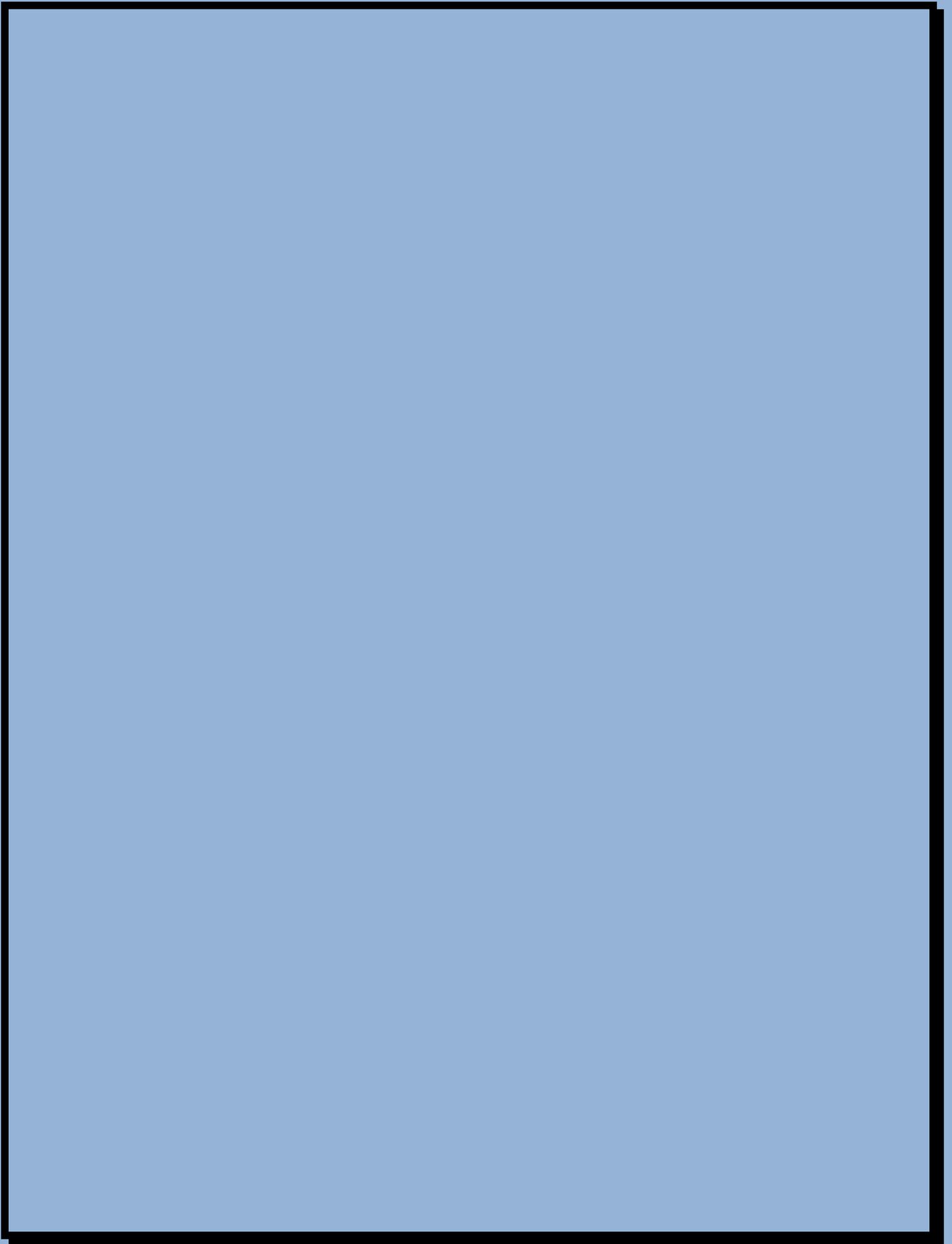
## Action Requested

The Town Council is asked to acknowledge that the Town has successfully filled the following vacancies in accordance with the Adopted FY 2021-2022 Budget.

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Athletic Programs Supervisor	P&R – Recreation	10-60-6200-5100-0200	\$19.80/hr. (\$41,184.00/yr.)
IT Support Specialist	General Government	10-10-4100-5100-0200	\$19.80/hr. (\$41,184.00/yr.)
	PU – Water/Sewer (1/3)	30-71-7220-5100-0200	
	PU – Electric (1/3)	31-72-7230-5100-0200	
P/T Pool Staff	P&R-Aquatics	10-60-6220-5100-0220	\$8.00/hr.
P/T Pool Staff	P&R-Aquatics	10-60-6220-5100-0220	\$10.00/hr.
P/T Aquatics Instructor	P&R-Aquatics	10-60-6220-5100-0230	\$12.00/hr.
Sanitation Equipment Operator	PW – Sanitation	10-40-5800-5100-0200	\$15.48/hr. (\$32,198.40/yr.)
Utility Line Mechanic	PU – Water/Sewer	30-71-7220-5100-0200	\$15.48/hr. (\$32,198.40/yr.)



# Business Items





# Request for Town Council Action

Business ANX-21-  
Item: 02  
Date: 12/07/2021

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Subject: Twin Creeks Phase 1A Satellite Annexation Petition  
Department: Planning & Administration  
Presented by: Planning Director – Stephen Wensman  
Presentation: Business Item

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## Issue Statement

Navaho Development LLC has submitted a petition for a voluntarily satellite annexation of 1.61 acres to the Town of Smithfield.

## Financial Impact

The annexation land will be added to the Twin Creeks Phase 1 development with the intent to create 3 additional lots adding to the tax base.

## Action Needed

The Town Council is asked adopt Resolution No. 690 (18-2021) setting the date for the public hearing for January 4, 2022, on account of the Town Clerk having found the annexation petition sufficient.

## Recommendation

Staff recommends the Town Council Adopt Resolution No.690 (18-2021)

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff Report
2. Certificate of Sufficiency
3. Resolution No. 690 (18-2021)
4. Map of the Proposed site



# Staff Report

Business ANX-  
Item 21-02

## OVERVIEW:

The Town of Smithfield received a petition from Navaho Development LLC for a voluntarily satellite annexation of 1.61 acres to the Town of Smithfield adjacent to the Twin Creeks Phase 1 development site on Black Creek Road approximately 1,800 ft southwest of the intersection of NC Highway 210 and Black Creek Road.

The satellite annexation property with the NC Pin # 167300-56-5565 is part of the property annexed to the Town in 2018 (ANX-18-01) with vested rights for preliminary plat of Twin Creeks Phase 1. After annexation, ANX-18-01, **the developer's attorney identified an error on the deed and made a deed correction showing the 1.61 acres of land belonging to the developer's property. As a result of the deed error, the 1.61 acres was omitted from the 2018 annexation and the Twin Creeks Phase 1 preliminary plat.** After annexation, the developer intends to have the 1.61 acres rezoned to R-20A and platted into 3 lots with access onto the **Twin Creeks Phase 1 street and connected to the Town's utilities in Twin Creek Phase 1.**

The Town determined at the time of the Twin Creeks annexation that it was able to provide the same level of services within the satellite annexation as it does the town. This annexation is contiguous to the Twin Creeks subdivision and can be served with the same level of service.

## SUFFICIENCY OF THE PETITION:

On November 9, 2021, the Town Council approved Resolution No. 689 (17-2021) directing the Town Clerk to investigate the sufficiency of the annexation petition. The Town Clerk has completed the investigation and has found the annexation petition to be sufficient:

## PUBLIC HEARING:

Pursuant to NCGS 160A-58.2, the next step in the annexation process is to have the Town Council adopt Resolution 691 (19-2021) setting the date for the public hearing to be held on September 7, 2021, if the Council is in favor of the annexation.

*160A-58.2. Public hearing. Upon receipt of a petition for annexation under this Part, the city council shall cause the city clerk to investigate the petition, and to certify the results of his investigation. If the clerk certifies that upon investigation the petition appears to be valid, the council shall fix a date for a public hearing on the annexation. Notice of the hearing shall be published once at least 10 days before the date of hearing.*

*At the hearing, any person residing in or owning property in the area proposed for annexation and any resident of the annexing city may appear and be heard on the questions of the sufficiency of the petition and the desirability of the annexation. If the council then finds and determines that (i) the area described in the petition meets all of the standards set out in G.S. 160A-58.1(b), (ii) the petition bears the signatures of all of the owners of real property within the area proposed for annexation (except those not required to sign by G.S. 160A-58.1(a)), (iii) the petition is otherwise valid, and (iv) the public health, safety and welfare of the inhabitants of the city and of the area proposed for annexation will be best served by the annexation, the council may adopt an ordinance annexing the area described in the petition. The ordinance may be made effective immediately or on any specified date within six months from the date of passage. (1973, c. 1173, s. 2.)*

## Certificate of Sufficiency

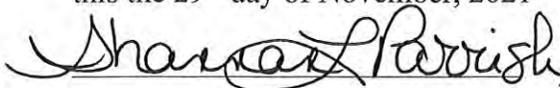
To the Town Council of the Town of Smithfield, North Carolina:

I, Shannan L. Parrish, Town Clerk, do hereby certify that I have investigated the attached petition and hereby make the following findings:

I further find that the area meets the standards for a noncontiguous area as specified in G.S. 160A-58.1 (b), in that:

1. The petition includes a metes and bounds description of the area proposed for annexation and has attached a map showing the proposed satellite area in relation to the primary corporate limits.
2. The petition includes the names and addresses of all owners or real property lying in the area described therein.
3. The petition includes the signatures of all owners of real property lying in the area described therein, except those not required to sign by G.S. 160A-58.1(a).
4. The nearest point on the proposed satellite corporate limits is no more than three (3) miles from the primary corporate limits of the Town of Smithfield;
5. No point on the proposed satellite corporate limits is closer to the primary corporate limits of any municipality other than the Town of Smithfield;
6. The satellite area is so situated that the Town of Smithfield will be able to provide the same services as are provided within its corporate limits;
7. To the extent that the proposed satellite area contains any portion of a subdivision, the entire subdivision is included;
8. The area within the proposed satellite corporate limits, when assed to the area within all other satellite corporate limits of the Town of Smithfield, does not exceed ten percent (10%) of the area within the primary corporate limits of the Town of Smithfield.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Smithfield this the 29<sup>th</sup> day of November, 2021



Shannan L. Parrish, Town Clerk



## Certificate of Sufficiency

ANX-21-02

To the Town Council of the Town of Smithfield, North Carolina:

I, Shannan L. Parrish, Town Clerk, do hereby certify that I have investigated the attached petition and hereby make the following findings:

I further find that the area meets the standards for a noncontiguous area as specified in G.S. 160A-58.1 (b), in that:

1. The petition includes a metes and bounds description of the area proposed for annexation and has attached a map showing the proposed satellite area in relation to the primary corporate limits. *{Attached hereto is the metes and bounds and map of proposed area}*
2. The petition includes the names and addresses of all owners or real property lying in the area described therein. *{Attached hereto is the petition, a map from Johnston County GIS}*
3. The petition includes the signatures of all owners of real property lying in the area described therein, except those not required to sign by G.S. 160A-58.1(a). *{Attached hereto is the petition signed by the owner}*
4. The nearest point on the proposed satellite corporate limits is no more than three (3) miles from the primary corporate limits of the Town of Smithfield; *{Attached hereto is a map depicting the proposed satellite annexation is approximately 11,000 feet (2.083 miles) from the corporate Town limits}*
5. No point on the proposed satellite corporate limits is closer to the primary corporate limits of any municipality other than the Town of Smithfield; *{Attached hereto is a map depicting the proposed satellite annexation is approximately 13,500 (2.556 miles) from the corporate limits of the Town of Four Oaks}*
6. The satellite area is so situated that the Town of Smithfield will be able to provide the same services as are provided within its corporate limits; *{Attached hereto are statements from the Chief of Police, the Fire Chief, the Public Utilities Director and the Public Works Director indicating the Town will be able to provide the same services}*

7. To the extent that the proposed satellite area contains any portion of a subdivision, the entire subdivision is included; *{Attached hereto is a map of the proposed subdivision. The entire subdivision is included in the proposed annexation}*
  
8. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits of the Town of Smithfield, does not exceed ten percent (10%) of the area within the primary corporate limits of the Town of Smithfield. *{Attached hereto is a document indicating the Town of Smithfield is exempt from the 10% noncontiguous annexation rule}*



Town of Smithfield  
 Planning Department  
 350 E. Market St. Smithfield, NC 27577  
 P.O. Box 761, Smithfield, NC 27577  
 Phone: 919-934-2116  
 Fax: 919-934-1134

**Annexation Petition**  
 Submittal Checklist

Please include all of the following (check off). If any information is missing from the application package, you will be asked to complete the application and re-submit the petition, so please check the list below carefully before you submit:

<input checked="" type="checkbox"/>	<b>Electronic Word document of the written metes and bounds</b> must be e-mailed to: <a href="mailto:Stephen.Wensman@smithfield-nc.com">Stephen.Wensman@smithfield-nc.com</a> or <a href="mailto:Mark.Helmer@smithfield-nc.com">Mark.Helmer@smithfield-nc.com</a> .	
<input checked="" type="checkbox"/>	<b>Boundary Survey to be recorded upon approval or an existing recorded plat</b> showing the above written metes and bounds description of the property to be annexed. This document must be submitted electronically in .pdf format.	
<input checked="" type="checkbox"/>	<b>Copy of Approved Preliminary Site Plan or Final Site Plan</b> showing Town Permit number (Z-__-__, etc.) or	<b>Copy of Subdivision Plat</b> submitted for lot recording approval with Town file number (S-____-__, etc.)
<input checked="" type="checkbox"/>	<b>Projected Market Value of Development</b> at build-out (land and improvements).	
<input checked="" type="checkbox"/>	<b>General Annexation Area Data:</b> Linear feet of public streets, total annexation area acreage, number of proposed residential units or square footage of commercial space, type of utility connections involved, specific land uses proposed.	
<input checked="" type="checkbox"/>	<b>This application form</b> completed, <u>dated and signed</u> by the property owner(s) and attested <b>submitted by the deadlines</b> .	
<b>Required, but often missing information. Please make sure to include the following:</b>		
<input checked="" type="checkbox"/>	<b>Correct Parcel Identification Number(s) (PIN).</b> Call Johnston County Geographic Information Services at 919-989-5153, if there is any question about the parcel identifier. <b>This is very important.</b> Please indicate if the property being requested for annexation is only a portion of an existing parcel.	
<input checked="" type="checkbox"/>	<b>Owner's Signatures and Date of Signatures.</b> See page 3 of this application. All real property owners must sign the application, and the <u>date of signature MUST be filled in!</u>	
<input checked="" type="checkbox"/>	<b>Corporate Seal</b> for property owned by a corporation.	
<input checked="" type="checkbox"/>	<b>Rezoning Application</b> , if the property is currently outside Town of Smithfield.	

# Annexation Petition

Submittal Deadlines

Petitions for annexation are accepted by the Town of Smithfield Planning Department at any time. There is no fee required for submittal of an annexation petition. **The annexation will become effective immediately upon adoption of the annexation ordinance at the scheduled public hearing unless notified otherwise by the Town Clerk.**

(The Town of Smithfield reserves the right to make exceptions to this general processing schedule when necessary.)

## Summary Information / Metes and Bounds Descriptions

**Development Project Name**

Twin Creek Phase 1

**Street Address**

6030 Black Creek Road

**Town of Smithfield Subdivision approval #**

(S-\_\_\_\_\_ - \_\_\_\_\_) or

**Building Permit Transaction #**

\_\_\_\_\_ or

**Site Plan approval # for multi-family**

(SP-\_\_\_\_\_ - \_\_\_\_\_)

**Johnston County Property Identification Number(s) list below**

**P.I.N.**  
167300-56-5565

**P.I.N.**

**P.I.N.**

**P.I.N.**

**P.I.N.**

**P.I.N.**

**Acreeage of Annexation Site**

1.61

**Linear Feet of Public Streets within Annexation Boundaries**

N/A

Annexation site is requesting Town of Smithfield **Water** and/or Sewer **yes to both**

**Number of proposed dwelling units**

3

**Type of Units:**

Single Family  \_\_\_\_\_

Townhouse \_\_\_\_\_

Condo \_\_\_\_\_

Apartment \_\_\_\_\_

**Building Square Footage of Non-Residential Space**

N/A

**Specific proposed use (office, retail, warehouse, school, etc.)**

Residential

**Projected market value at build-out (land and improvements) \$**

900,000

**Person to contact if there are questions about the petition**

**Name**

Michael Stewart

**Address**

319 Chapanoke Road Suite 106 Raleigh, NC 27603

**Phone**

919-779-1855

**Fax #**

919-779-1661

**Email**

stewartpe@aol.com

# Annexation Petition

**State of North Carolina, County of Johnston, Petition of Annexation of Property to the Town of Smithfield, North Carolina**

**Part 1** The undersigned, being all the owners of the real property described in this application respectfully request the annexation of said property to the Town of Smithfield, North Carolina. **The petitioners understand and agree that all streets and utilities within the annexed area will be constructed and installed by the developer according to the Unified Development Ordinance and any utilities that must be extended to the annexed area are the responsibility of the developers or successive property owners.** The property to be annexed is:

**Contiguous** to the present corporate limits of the Town Of Smithfield, North Carolina, or

**Not Contiguous** to the municipal limits of the Town of Smithfield, North Carolina, not closer to the limits of any other municipality and is located within three miles of the municipal limits of the Town of Smithfield, North Carolina (pursuant to Chapter 989 of the Sessions Law of North Carolina, 1967)

**Part 2** NC General Statutes require petitioners of both contiguous and satellite annexations to file a signed statement declaring whether vested rights have been established in accordance with G.S.160A-385.1 or 153A-344.1 for properties subject to the petition.

Do you declare such vested rights for the property subject to this petition?      Yes      No

If yes, please submit proof that vested rights have been granted by governing board. I hereby declare that my failure to disclose existence of a vested right terminates any vested right previously acquired for this property.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by the owners of the property described in Section C.

**Owner's Signature(s)**

Signature *[Handwritten Signature]* Date 9-27-2021

Signature \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Corporate Seal

**Print owner name(s) and information**

Name Nava ho Dewshon LLC Phone 919-427-9497

Address *[Handwritten Address]*

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

**Above signature(s) attested by**

Received by the Town of Smithfield, North Carolina, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at a Council meeting duly held.

Signature of Town Clerk \_\_\_\_\_

Legal Description

Lying and being situated in Johnston County, North Carolina and being more particularly described as follows:

Being that certain Parcel in Smithfield Township, Johnston County, North Carolina and lying to the south of Black Creek Road / S.R. 1162, to the west of property owned by Derek E. Thompson (Deed Book 4881, Page 505), and being more particularly described as follows:

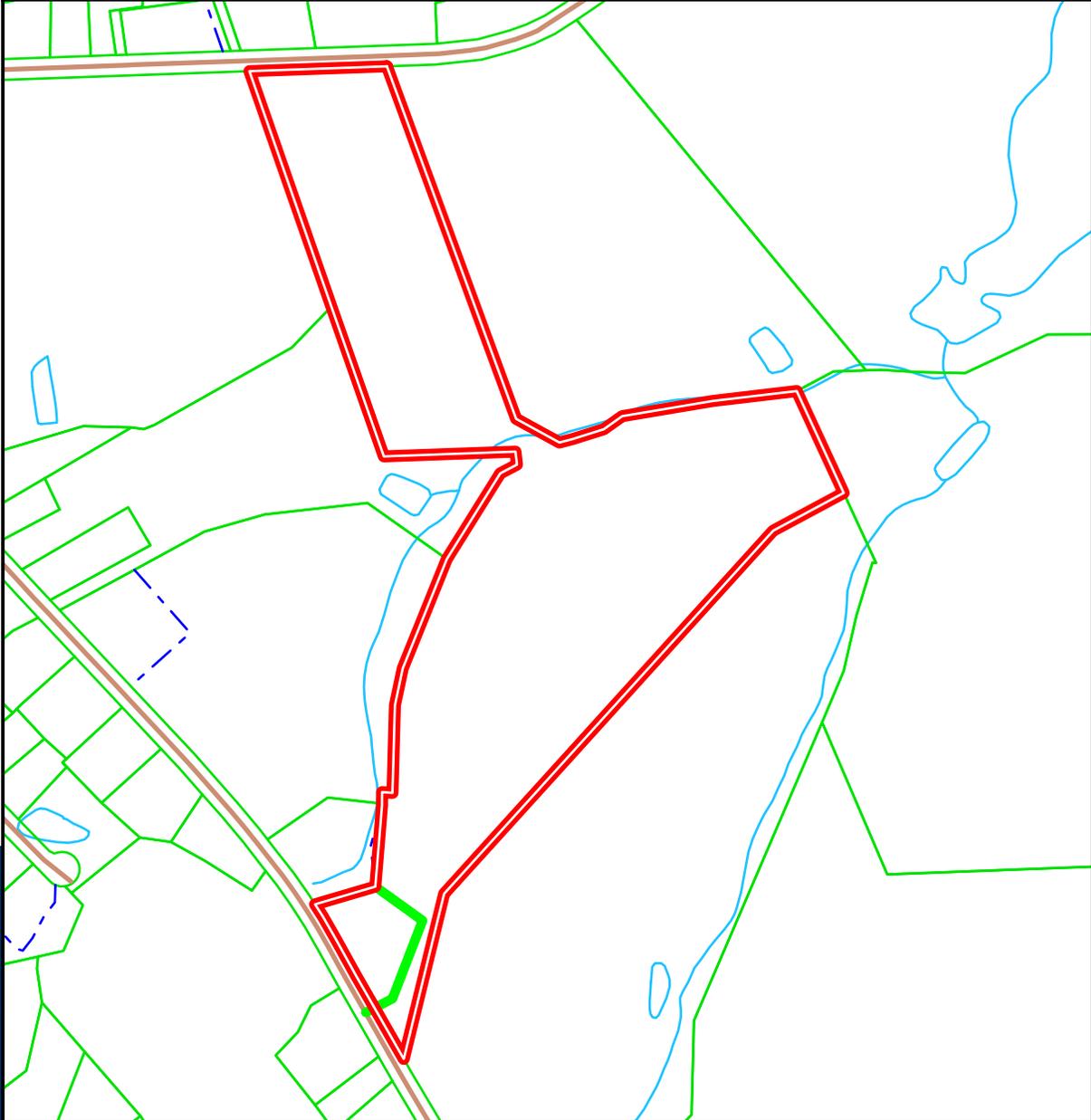
BEGINNING at an existing P. K. Nail (control corner) in the center of Black Creek Road / S.R. 1162 (a 60' Public Right of Way), thence leaving the above mentioned road in a southerly direction South  $11^{\circ} 29' 47''$  East 214.95 to a large poplar; thence South  $40^{\circ} 28' 08''$  West 167.89 feet to a point; thence North  $66^{\circ} 43' 24''$  West 242.34 feet to a point; thence North  $25^{\circ} 19' 35''$  West 86.25 feet to an existing railroad spike in the center of Black Creek Road / S.R. 1162 (a 60' Public Right of Way); thence along the center of the above mentioned road the following two (2) calls, North  $63^{\circ} 51' 59''$  East 265.01 feet to an existing P. K. Nail; thence North  $61^{\circ} 21' 38''$  East 99.95 feet to the POINT OF BEGINNING and containing 1.61 total acres more or less.

See Map Book 66, Page 114, Johnston County Registry from which this legal description was taken.



\*\*\* DISCLAIMER \*\*\*

Johnston County assumes no legal responsibility for the information represented here.



**Parcel Report**

**X Coordinate:** 2174499.6309182  
**Y Coordinate:** 637167.70717796  
**id:** 15109011B  
**Tag:** 15109011B  
**NCPin:** 167300-56-5565  
**Mapsheet No:** 1673  
**Owner Name 1:** NAVAHO INVESTMENT COMPANY LLC  
**Owner Name 2:**  
**Mail Address 1:** 4909 WESTERN BLVD, STE 200  
**Mail Address 2:**  
**Mail Address 3:** RALEIGH, NC 27606-0000  
**Site Address 1:** 2501 GALILEE RD  
**Site Address 2:** SMITHFIELD, NC 27577-  
**Book:** 05878  
**Page:** 0834  
**Market Value:** 306600  
**Assessed Acreage:** 34.080  
**Calc. Acreage:** 34.080  
**Sales Price:** 0  
**Sale Date:** 2021-03-23  
**Township:** Smithfield  
**Water District:** Hopewell Pisgah Water District  
**ETJ:** N/A  
**City Limits:** N/A  
**Town Zoning:** N/A  
**County Zoning:** AR  
**OverLay Zoning:** N/A



Scale: 1:6000 - 1 in. = 500 feet  
(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)

# Response to Questions 4 & 5 Non Contiguous Annexation



Project Name:  
Twin Creeks  
Phase 1A Annexation

Proposed Use:  
Single Family  
Dwellings

File Number:  
ANX-21-02

Property Owner:  
James A. Lucas

Applicant:  
Michael Stewart, PE

Location:  
Black Creek Road

Tax ID#  
15109011B

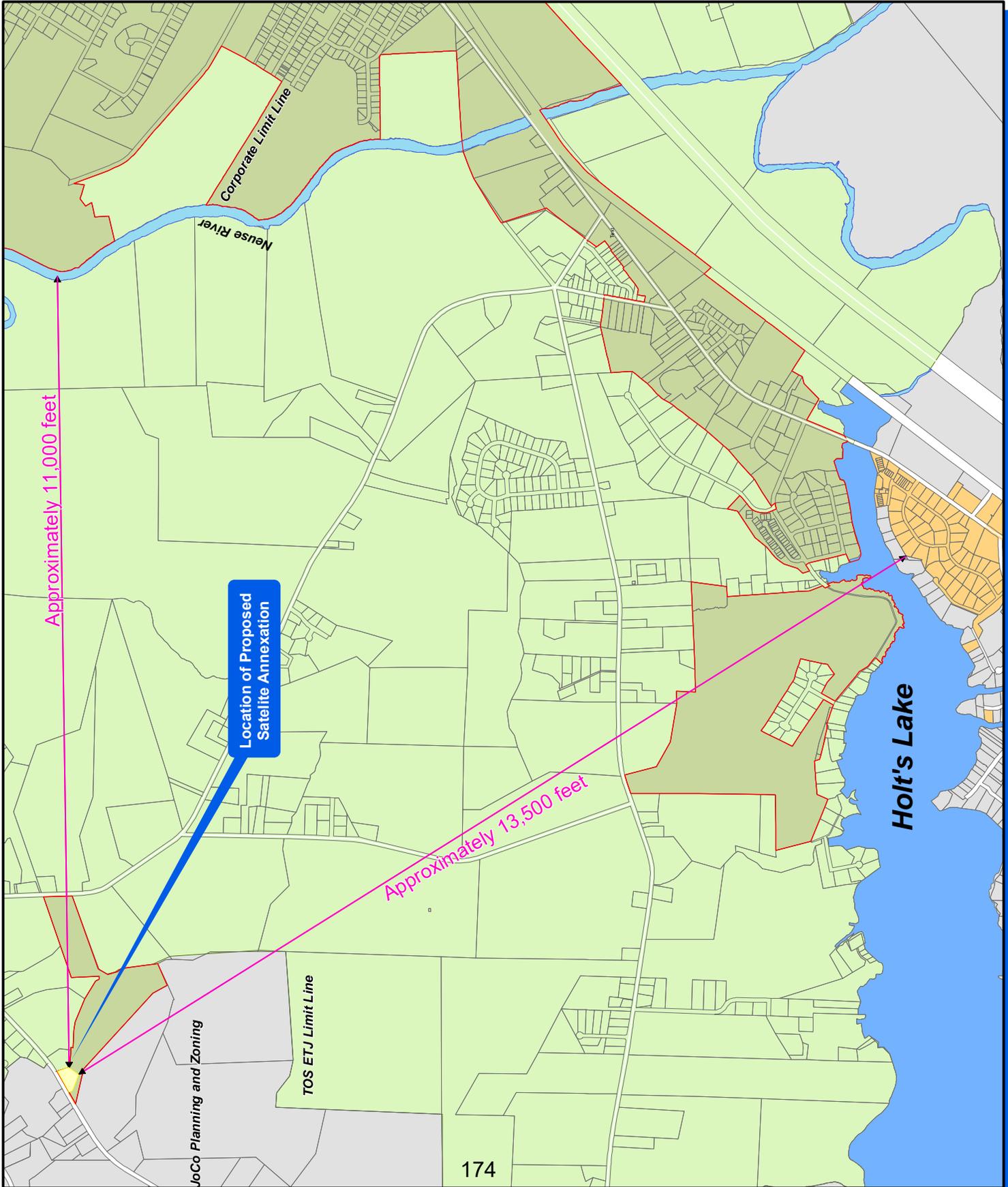
Zoning District:  
JoCo AR  
(Agriculture-  
Residential) &  
TOS R-20A  
(Residential-  
Agriculture)

Map created by the  
Mark E. Helmer, AICP  
Senior Planner,  
GIS Specialist  
on 11/29/2021

- Legend
- Smithfield Corporate Limit
  - Smithfield ETJ
  - Four Oaks Corporate Limit



1 inch = 1,800 feet



## Response to Question 6

From: Shannan Parrish

Sent: Monday, November 29, 2021 9:51 AM

To: RKPowell; Chief Michael Brown; Ted Credle; Lawrence Davis

Subject:Annexation Petition - Twin Creeks

Gentlemen,

In order for me to certify the annexation petition for Navaho Investments, I have to answer the following question:

**The satellite area is so situated that the Town of Smithfield will be able to provide the same services as are provided within its corporate limits;**

Please send me an email (so I have backup documentation for the December agenda) stating that your Department can provide the same services as we do in the town limits. If you feel that we cannot provide the same services, please indicate why.

This is a small section that was inadvertently not included in the original annexation of the Twin Creeks subdivision. In 2018, all of you indicated that we could provide services to the larger area.

Thank you and have a great day,

Shannan L. Parrish, MMC, NCCMC  
Town Clerk  
Town of Smithfield  
PO Box 761/ 350 East Market Street  
Smithfield, NC 27577  
Phone: 919.934.2116 ext. 1108  
Fax: 919.989.8937

### Responses:

**From: RKPowell**

Sent: Monday, November 29, 2021 9:53 AM

To: Shannan Parrish

Subject:RE: Annexation Petition - Twin Creeks

The police department will be able to provide the necessary services to this area.

**From: Chief Michael Brown**

Sent: Monday, November 29, 2021 9:54 AM

To: Shannan Parrish; RKPowell; Ted Credle; Lawrence Davis

Subject:RE: Annexation Petition - Twin Creeks

The Smithfield Fire Department can provide the same services to the Twin Creeks Subdivision as in the cooperate limits of Smithfield.

**From: Ted Credle**

Sent: Monday, November 29, 2021 11:07 AM

To: Chief Michael Brown; Shannan Parrish; RKPowell; Lawrence Davis

Subject:RE: Annexation Petition - Twin Creeks

The Smithfield Public Utilities Department can provide the same services to the Twin Creeks Subdivision as in the cooperate limits of Smithfield.

Ted Credle, P.E.  
Director of Public Utilities  
Town of Smithfield  
230 Hospital Road  
Smithfield, NC 27577  
919-934-2116 x-1162

**From: Lawrence Davis**

Sent: Monday, November 29, 2021 11:03 PM

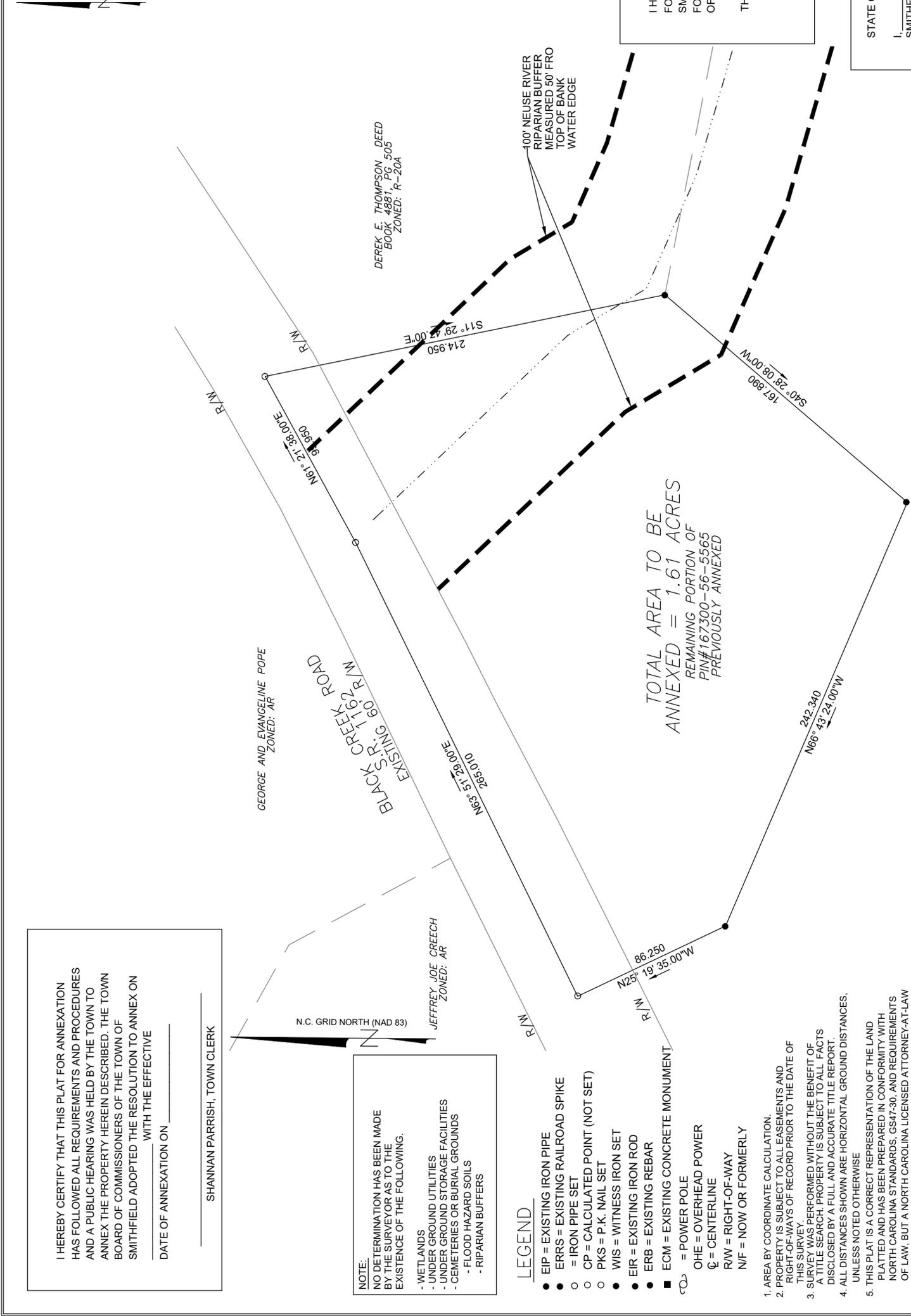
To: Shannan Parrish

Subject:Re: Annexation Petition - Twin Creeks

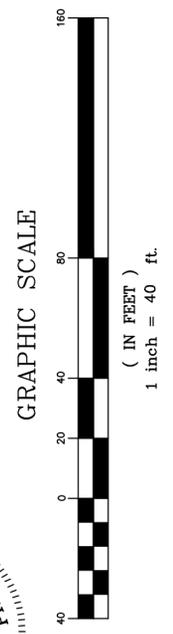
The Public Works will provide services.



VICINITY MAP (Not to Scale)



TOTAL AREA TO BE ANNEXED = 1.61 ACRES  
 REMAINING PORTION OF PIN# 167300-56-5565 PREVIOUSLY ANNEXED



(OWNER) \_\_\_\_\_ DATE \_\_\_\_\_

- REFERENCES
- 1. D.B. 2231, PG. 819
  - 2. D.B. 2045, PG. 585
  - 3. D.B. 824, PG. 585
  - 4. P.B. 66, PG. 114

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER (S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAN WITH MY (OUR) FREE CONSENT.

I, Herbert H. Proctor Jr., certify that this survey is an existing parcel of land and does not create a new street or change an existing street.

I, Herbert H. Proctor Jr., certify that this plat was drawn under my supervision from an actual survey made under my supervision; that the ratio of precision as calculated by latitudes and departures is 1/10,000+ that the boundaries not surveyed are shown as broken lines plotted from information found in Book \_\_\_\_\_ page \_\_\_\_\_; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

I HEREBY CERTIFY THAT THIS PLAT FOR ANNEXATION HAS FOLLOWED ALL REQUIREMENTS AND PROCEDURES AND A PUBLIC HEARING WAS HELD BY THE TOWN TO ANNEX THE PROPERTY HEREIN DESCRIBED. THE TOWN BOARD OF COMMISSIONERS OF THE TOWN OF SMITHFIELD ADOPTED THE RESOLUTION TO ANNEX ON \_\_\_\_\_ WITH THE EFFECTIVE DATE OF ANNEXATION ON \_\_\_\_\_

SHANNAN PARRISH, TOWN CLERK

NOTE:  
 NO DETERMINATION HAS BEEN MADE BY THE SURVEYOR AS TO THE EXISTENCE OF THE FOLLOWING.

- WETLANDS
- UNDER GROUND UTILITIES
- UNDER GROUND STORAGE FACILITIES
- CEMETERIES OR BURIAL GROUNDS
- FLOOD HAZARD SOILS
- RIPARIAN BUFFERS

- LEGEND
- EIP = EXISTING IRON PIPE
  - ERRS = EXISTING RAILROAD SPIKE
  - = IRON PIPE SET
  - CP = CALCULATED POINT (NOT SET)
  - PKS = P.K. NAIL SET
  - WIS = WITNESS IRON SET
  - EIR = EXISTING IRON ROD
  - ERB = EXISTING REBAR
  - ECM = EXISTING CONCRETE MONUMENT
  - = POWER POLE
  - OHE = OVERHEAD POWER
  - C = CENTERLINE
  - RW = RIGHT-OF-WAY
  - N/F = NOW OR FORMERLY

1. AREA BY COORDINATE CALCULATION.
2. PROPERTY IS SUBJECT TO ALL EASEMENTS AND RIGHT-OF-WAYS OF RECORD PRIOR TO THE DATE OF THIS SURVEY.
3. SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH. PROPERTY IS SUBJECT TO ALL FACTS DISCLOSED BY A FULL AND ACCURATE TITLE REPORT.
4. ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES, UNLESS NOTED OTHERWISE
5. THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH NORTH CAROLINA STANDARDS, GS47-30, AND REQUIREMENTS OF LAW, BUT A NORTH CAROLINA LICENSED ATTORNEY-AT-LAW SHOULD BE CONSULTED REGARDING CORRECT OWNERSHIP, WIDTH AND OWNERSHIP OF EASEMENTS AND OTHER TITLE QUESTIONS REVEALED BY A TITLE EXAMINATION.

I HEREBY CERTIFY THAT THIS PLAT IS APPROVED FOR RECORDING, AND IS EXEMPT FROM SMITHFIELD SUBDIVISION REGULATIONS. THE FINAL DATE FOR RECORDING THIS MAP WITH THE REGISTER OF DEEDS IS \_\_\_\_\_ THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

SHANNAN PARRISH, TOWN CLERK

STATE OF NORTH CAROLINA, COUNTY OF WAKE

I, \_\_\_\_\_ REVIEW OFFICER OF THE TOWN OF SMITHFIELD, JOHNSTON COUNTY, NC, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER \_\_\_\_\_ DATE \_\_\_\_\_

ANNEXATION PLAT FOR  
**TWIN CREEKS PHASE 1A**  
 RECORDED IN BOOK OF MAPS 66, PAGE 114  
 JOHNSTON COUNTY REGISTRY

STEWART-PROCTOR, PLLC ENGINEERING and SURVEYING 1015 W. HARRIS RD., SUITE 106 RALEIGH, NC 27603 TEL. 919 779-1655 FAX 919 779-1661		SMITHFIELD TOWNSHIP NORTH CAROLINA	
DATE 10-13-2021	SURVEYED BY	JOB	
SCALE 1" = 40'	DRAWN BY	OWNER	
REVISIONS		DWG. NO.	

Professional Land Surveyor L-3621

BOOK OF MAPS \_\_\_\_\_, PAGE \_\_\_\_\_

## Response to Question #8

After review of NCGS 160A-58.1, it was discovered that the Town of Smithfield is exempt from the 10% rule for non-contiguous annexation. The Town Clerk confirmed this information with Frayda Bluestein with the UNC School of Government. See below the highlighted portion of the statute.

### **160A-58.1. Petition for annexation; standards.**

(a) Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, a city may annex an area not contiguous to its primary corporate limits when the area meets the standards set out in subsection (b) of this section. The petition need not be signed by the owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina, nor by railroad companies, public utilities as defined in G.S. 62-3(23), or electric or telephone membership corporations. A petition is not valid in any of the following circumstances:

- (1) It is unsigned.
- (2) It is signed by the city for the annexation of property the city does not own or have a legal interest in. For the purpose of this subdivision, a city has no legal interest in a State-maintained street unless it owns the underlying fee and not just an easement.
- (3) It is for the annexation of property for which a signature is not required and the property owner objects to the annexation.

(b) A noncontiguous area proposed for annexation must meet all of the following standards:

- (1) The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city.
- (2) No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city, except as set forth in subsection (b2) of this section.
- (3) The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
- (4) If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.
- (5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed

ten percent (10%) of the area within the primary corporate limits of the annexing city.

This subdivision does not apply to the Cities of Belmont, Claremont, Concord, Conover, Durham, Elizabeth City, Gastonia, Greenville, Hickory, Kannapolis, Locust, Marion, Mount Airy, Mount Holly, New Bern, Newton, Oxford, Randleman, Roanoke Rapids, Rockingham, Sanford, Salisbury, Southport, Statesville, and Washington and the Towns of Ahoskie, Angier, Apex, Ayden, Benson, Bladenboro, Bridgeton, Burgaw, Calabash, Catawba, Clayton, Columbia, Columbus, Cramerton, Creswell, Dallas, Dobson, Four Oaks, Franklin, Fuquay-Varina, Garner, Godwin, Granite Quarry, Green Level, Grimesland, Harrisburg, Holly Ridge, Holly Springs, Hookerton, Hope Mills, Huntersville, Jamestown, Kenansville, Kenly, Knightdale, Landis, Leland, Lillington, Louisburg, Maggie Valley, Maiden, Mayodan, Maysville, Middlesex, Midland, Mocksville, Morrisville, Mount Pleasant, Nashville, Oak Island, Ocean Isle Beach, Pembroke, Pine Level, Princeton, Ranlo, Richlands, Rolesville, Rutherfordton, Shallotte, Siler City, **Smithfield**, Spencer, Spring Lake, Stem, Stovall, Surf City, Swansboro, Taylorsville, Troutman, Troy, Wallace, Warsaw, Watha, Waynesville, Weldon, Wendell, Wilson's Mills, Windsor, Yadkinville, and Zebulon.

(b1) Repealed by Session Laws 2004-203, ss. 13(a) and 13(d), effective August 17, 2004.

(b2) A city may annex a noncontiguous area that does not meet the standard set out in subdivision (b)(2) of this section if the city has entered into an annexation agreement pursuant to Part 6 of this Article with the city to which a point on the proposed satellite corporate limits is closer and the agreement states that the other city will not annex the area but does not say that the annexing city will not annex the area. The annexing city shall comply with all other requirements of this section.

(c) The petition shall contain the names, addresses, and signatures of all owners of real property within the proposed satellite corporate limits (except owners not required to sign by subsection (a)), shall describe the area proposed for annexation by metes and bounds, and shall have attached thereto a map showing the area proposed for annexation with relation to the primary corporate limits of the annexing city. When there is any substantial question as to whether the area may be closer to another city than to the annexing city, the map shall also show the area proposed for annexation with relation to the primary corporate limits of the other city. The city council may prescribe the form of the petition.

(d) A city council which receives a petition for annexation under this section may by ordinance require that the petitioners file a signed statement declaring whether or not vested rights with respect to the properties subject to the petition have been

established under G.S. 160A-385.1 or G.S. 153A-344.1. If the statement declares that such rights have been established, the city may require petitioners to provide proof of such rights. A statement which declares that no vested rights have been established under G.S. 160A-385.1 or G.S. 153A-344.1 shall be binding on the landowner and any such vested rights shall be terminated. (1973, c. 1173, s. 2; 1989 (Reg. Sess., 1990), c. 996, s. 4; 1997-2, s. 1; 2001-37, s. 1; 2001-72, s. 1; 2001-438, s. 1; 2002-121, s. 1; 2003-30, s. 1; 2004-203, s. 13(a), (c); 2004-57, s. 1; 2004-99, s. 1; 2004-203, ss. 13(a)-(d); 2005-52, s. 1; 2005-71, s. 1; 2005-79, s. 1; 2005-173, s. 1; 2005-433, s. 9; 2006-62, s. 1; 2006-122, s. 1; 2006-130, s. 1; 2007-17, s. 1; 2007-26, ss. 1, 2(a); 2007-62, s. 1; 2007-225, s. 1; 2007-311, s. 1; 2007-342, s. 1; 2008-24, s. 1; 2008-30, s. 1; 2009-40, s. 2; 2009-53, s. 1; 2009-111, s. 1; 2009-156, s. 1; 2009-298, s. 1; 2009-323, s. 1; 2011-57, s. 1; 2012-96, s. 1; 2013-248, s. 1; 2014-30, s. 2(a); 2015-80, s. 1; 2015-81, s. 2(a); 2015-172, s. 2; 2016-48, s. 2.)

**TOWN OF SMITHFIELD**  
**RESOLUTION No. 690 (18-2021)**  
**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. 689 (17-2021) 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 January 4, 2022.

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

Lying and being situated in Johnston County, North Carolina and being more particularly described as follows:

Being that certain Parcel in Smithfield Township, Johnston County, North Carolina and lying to the south of Black Creek Road / S.R. 1162, to the west of property owned by Derek E. Thompson (Deed Book 4881, Page 505), and being more particularly described as follows:

BEGINNING at an existing P. K. Nail (control comer) in the center of Black Creek Road / S.R. 1162 (a 60' Public Right of Way), thence leaving the above mentioned road in a southerly direction South 11 ° 29' 47" East 214.95 to a large poplar; thence South 40° 28' 08" West 167.89 feet to a point; thence North 66° 43' 24" West 242.34 feet to a point; thence North 25° 19' 35" West 86.25 feet to an existing railroad spike in the center of Black Creek Road/ S.R. 1 162 (a 60' Public Right of Way); thence along the center of the above mentioned road the following two (2) calls, North 63 ° 51' 59" East 265.01 feet to an existing P. K. Nail; thence North 61 ° 21' 38" East 99.95 feet to the POINT OF

BEGINNING and containing 1.61 total acres more or less.

See Map Book 66, Page 114, Johnston County Registry from which this legal description was taken.

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.

Adopted this the 7<sup>th</sup> day of December, 2021.

---

M. Andy Moore, Mayor

ATTEST:

---

Shannan L. Parrish, Town Clerk



# Request for Town Council Action

Cash  
Business Management  
Agenda and  
Item: Investment  
Policies  
Date: 12/07/2021

---

Subject: Consideration of a Cash Management Policy and  
Investment Policy for the Town of Smithfield

Department: Finance Department  
Presented by: Finance Director - Greg Siler  
Presentation: Business Item

---

Issue Statement: Devise techniques and procedures for receiving, depositing, and disbursing monies in their control and custody that are designed to maximize interest-bearing investment of cash while minimizing idle and nonproductive cash balances.

Financial Impact: None

Action Needed: Approve Cash Management Policy and Investment Policy for The Town of Smithfield

Recommendation: Council Approval

Approved:  Town Manager  Town Attorney

Attachments:

1. Staff Report
2. Town of Smithfield Cash Management Policy
3. Town of Smithfield Investment Policy
4. Resolution No. 691 (19-2021) Governing Management of Investments



# Staff Report

Cash  
Business Management  
Agenda and  
Item: Investment  
Policies

---

Acceptance of ARP funds and the volatility in the U.S. markets has caused many municipalities to turn their attention to the preparation and adoption of their cash management and investment policies. Having a defined policy will help increase the possibility that Town investments are diversified and safe. Having written policies are also a requirement of accepting ARP funds from the Federal Government

The **Town's investment policy will be safety of principal and liquidity over yield. In an attempt** to accomplish this, we will limit our investments with any one financial institution to no more than fifty percent of our holdings. In addition, finance officers should be mindful of the parameters of the investment policy, and ensure that any modifications to the policy are appropriately communicated and approved by the board prior to implementation.

Town of Smithfield

Cash Management Policy

December 7, 2021

## Purpose of Cash Management Plan

The objectives of this plan are to increase the amount of idle moneys invested, thus generating greater amounts of revenue through increased investment earnings and simultaneously providing adequate safety and liquidity of the Town's moneys. This plan will address five areas: cash receipts, cash mobilization and management of available resources (investments), cash disbursements, banking relations, and monitoring and reporting on the plan.

In addition to establishing a cash management plan, the finance director / designee will implement a series of internal controls which are designed to prevent losses of public moneys arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets or imprudent actions by employees and officers of the Town. The finance director / designee will ensure, whenever possible, separation of duties of the cash handling process.

## Cash Receipts

This section of the plan is designed to assist the finance director / designee in developing and implementing procedures for the receipt of moneys in order to expedite the movement of those moneys into eligible investments while ensuring the safe handling of cash resources.

### Deposits

The finance director / designee shall devise and implement a central depository system for the Town. This system shall include the creation of one bank accounts: a cash concentration account. The cash concentration account shall be in the form of an interest-bearing checking account. This one account will be at the official depository approved by the Council. Deposits are to be made daily, or whenever moneys on hand amount to \$250.00. In any event deposits are to be made on the last business day of the month.

For high-volume periods during the year, the finance director / designee will make personnel reassignments, if necessary, to assure that prompt deposits are made. For checks received and deposited, which are returned to the Town unpaid by a customer's financial institution, prompt action will be undertaken to collect good funds and a fee will be charged on each return check.

Any adjustments or corrections for either overpayment or underpayment will be made after the moneys have been deposited. For routine deposits it is very seldom necessary or appropriate to return a check because it was made out in the wrong amount.

## Billings

Applications and reports to the State or Federal government for reimbursement or claims are to be filed promptly. All department heads who administer programs that receive moneys from other governments are to meet with the finance director / designee to establish a cash flow schedule for these moneys.

Utility meters will be read by the 14<sup>th</sup> day of each month for cycle 1 and by the 29<sup>th</sup> for cycle 2. Bills will be mailed no later than the 16<sup>th</sup> of each month for cycle 1 and by the 1<sup>st</sup> of each month for cycle 2. Utility customers' due date shall be 20 days from the bill date of each month. A penalty charge of 5% will be assessed at closing ten days after the due date.

## Collection Procedures

Utility bills are due by the 5<sup>th</sup> of each month for cycle 1 and by the 20<sup>th</sup> of each month for cycle 2 unless these dates fall on a weekend or holiday, then the due date becomes the next day the Town is open for business. Service will be discontinued to all customers who become two months delinquent in paying their accounts. These customers will be notified on the second billing date, advising of past due balances subject to disconnection without further notice. To reconnect the service, the customer will face reconnection and delinquent charges plus the oldest past due bill.

Water and/or Sewer customers will be charged a deposit plus a connection fee when service begins. Deposits will depend on credit risk and will be held until the account is closed or applied to the customer's final bill if unpaid by the customer.

## Tax Billing and Collection

The Johnston County Tax Collector handles the mailing and collection of taxes for the Town of Smithfield.

## Investments

This section of the plan is designed to place the Town's money in a position to be invested as quickly as possible at the highest reasonable yields available while maintaining the safety and liquidity of those moneys.

### Mobilization

The Town Council shall authorize the Town to establish an official depository. Moneys shall be deposited into the official depository no later than 5:00 p.m. The deposits shall be made by the Billing and Collections Department and supervised by the finance director / designee. Any department officers or employees authorized to make deposits shall notify Finance by 5:00 p.m. of the amount of deposits made. These individuals shall also promptly forward copies of deposit tickets to the Finance Department for deposit verification.

The finance director or designee will monitor the cash on a daily basis by reviewing the deposits and disbursements. This person will decide if the available cash on hand is appropriate for the operating of the Town. If too much money is on hand, the excess will be wired to the North Carolina Cash Management Trust (NCCMT). If the funds on hand are not adequate, then redemption from the NCCMT will need to be done. All moneys received by the Town from the State shall be wired through the Governmental Moneys Transfer System (GMTS), in order to ensure immediate investment of those moneys on the transfer date. The finance director / designee shall also establish an account with the North Carolina Cash Management Trust in order for GMTS moneys to be wired into that account.

The Town shall remain 100% invested at all times except for monies held for change purposes (100% invested refers to actual investments as well as the use of interest-bearing checking accounts.)

### Investment Types

Eligible investments shall be limited to obligations of the U.S. Government, such as Treasury Bills, Bonds and Notes, time deposits with any bank or savings and loan whose principal office is in North Carolina, Prime Quality Commercial Paper bearing the highest rating of at least one national rating agency, (i.e. Standard & Poor's A-1, Moody's P-1, Fitch Investor Service F-1), and the North Carolina Cash Management Trust. Time deposits in excess of the Federal deposit insurance of \$250,000 shall be placed with financial institutions which have been analyzed and determined credit-worthy by the State Treasurer.

Collateralization for deposits shall be in accordance with Title 20, Chapter 7 of the North Carolina Administrative Code. All deposits for the Town shall be fully protected through deposit insurance and eligible collateral securities pursuant to 20 NCAC 7.

All deposits shall be held in financial institutions that participate in the State's collateralization pooling method. Under this method, the responsibility of monitoring collateralization levels is now with the State Treasurer.

The finance director / designee shall be responsible for obtaining custody and providing safekeeping of securities and deposit certificates according to G.S. 159-30 (d). All securities and certificates of deposit purchased by the Town shall be delivered to the safe deposit box held by the Town and a copy of the investment shall be delivered to the finance director / designee.

The finance director / designee shall ensure proper diversification of the investment portfolio in order to minimize risks brought on by economic and market changes.

The finance director / designee shall constantly monitor the investment portfolio and make adjustments as necessary. The finance director / designee shall continuously compare to market the book value of securities owned by the Town. If the market value is significantly higher than the cost of the security, the finance director / designee will examine opportunities to sell the security, realize a gain from the premium and invest in other eligible investments. Conversely, if the market value is significantly below the cost of the security, the finance director / designee should pursue measures to liquidate the security to avoid further losses.

The finance director / designee shall review the cash position of the Town and decide what moneys can be invested for certain periods of time. If any investments are to be made, the finance director / designee will make this determination and then institute a bidding process for Town's moneys as follows:

- 1) Financial institutions shall be contacted by the finance director / designee requesting bids on time deposits. All bids shall be submitted by 3:00 p.m. with interest rates quoted on a 365-day basis. In the event of matching bids, the financial institutions will be contacted, notified of similar bids and asked if any upset bid will be placed. All certificates shall be delivered to the finance director / designee by 5:00 p.m.

- 2) For other eligible investment vehicles, the finance director/designee shall solicit offers from an approved list of financial institutions. The finance director / designee shall review the various offers and determine which investment vehicle is appropriate, considering such factors as rate, maturity and safety of the investment. All interest rates shall be quoted on a rate basis.

Telephone quotes shall be received by 3:00 p.m., recorded and delivered to the finance director / designee. The names of the financial institution and its representative shall be included in the report. The financial institution, which placed the highest bid, will be notified.

Wire transfers, both incoming and outgoing, shall be handled by an individual other than the one receiving telephone quotes. Wires will be processed no later than 5:00 p.m. with written confirmation forwarded the next business day. These confirmations will be documented and delivered to the finance director / designee for review.

### Forecasting Expenditures

In order to forecast the cash flow as accurately as possible, each department head will meet with the finance director / designee to discuss the source, nature, and timing of expenditures under that department's control. Not only will the expenditure be estimated, but efforts will be made to determine when capital expenditures will take place. An analysis of disbursements will also be performed to estimate the source, nature, and timing of each disbursement.

### Cash Disbursements - Objective

The objective of this section of the Town's cash management plan is to retain the moneys for investment until the agreed-upon contractual date of payment unless early payment provides a benefit to the Town.

### Cash Disbursements

The finance director / designee shall appropriate and expend Town's moneys pursuant to G.S. 159-28(b). To create the maximum amount of funds available for investment, the finance director / designee shall pay the obligations of the Town on every Friday in each month. The effect of this payment cycle shall be on the Town's purchase orders. The finance director / designee shall pay the obligations of the Town by the due date. The finance director / designee shall determine whether or not the discount for cash payment is more beneficial than payment on the billing's due date. The finance director / designee shall periodically review the disbursement cycle and changes shall be instituted if the disbursement cycle can be extended.

The finance director / designee shall develop a system of inventory and supply checks to ensure that the materials on hand are sufficient to keep the Town operating in an efficient

manner. Should these levels become excessive, the finance director / designee shall reduce orders for inventories and supplies until an acceptable level is reached.

The finance director / designee shall require that all departments consolidate payments to one vendor. The finance director / designee shall ensure that all departments using the same vendor(s) receive the same due date and discount date.

The Accounts Payable Clerk shall mail all checks after 3:00 p.m. provided the afternoon mailing will not result in missing the discount or payment due date.

The finance director / designee shall direct deposit funds biweekly. In addition, the finance director / designee shall submit payroll taxes on the due date.

The finance director / designee shall constantly review supplier contracts to ascertain whether or not the Town is paying only for goods and services received or rendered.

## Banking Relations

This section of the plan is designed to help the finance director / designee develop and implement procedures to create mutually beneficial banking relations with local financial institutions.

### Request for Proposal for Banking Services (RFP)

Financial institutions shall receive an RFP. The RFP will solicit bids from financial institutions, which wish to obtain the Town's banking business. The RFP shall require information on what services can be provided to the unit and the costs associated with such services. The RFPs shall be compared and the financial institution selected as the official depository shall receive the Town's bank accounts for a period of three years. The Town shall maintain no less than one bank account; a cash concentration account. The Town Council will designate the selected financial institution as the official depository for the Town. The Town Manager shall sign for the Town a contract with the official depository establishing the banking services and costs that will be applicable to the Town and what conditions will necessitate termination of the contract.

## Monitoring and Reporting on the Plan - Objective

The objective of this section of the plan is to devise a systematic reporting schedule to the governing body and to provide a schedule for the systematic review of the Plan itself to make necessary amendments and changes.

## Monitoring and Reporting on the Plan

The finance director / designee for the Town shall report monthly to the Town Manager concerning the status of investments. The report shall include the amount of Town moneys invested, the average rate and maturities, and the cost value and market value of those investments. The finance director / designee will report on the custody and safekeeping of Town investments stating how the safekeeping arrangements are structured. Any losses or potential losses on the liquidation of investments shall be disclosed to the Town Manager after the loss becomes known.

The finance director / designee shall report monthly to the Town Manager concerning the adequate collateralization of Town's moneys. The finance director / designee shall also report to the Town Manager concerning the issuance of a Request for Proposal for Banking Services (RFP) and recommendations for selection of an official depository once the RFPs have been analyzed and compared. The finance director / designee shall report to the Town Manager the status of delinquent tax payments and other revenues due to the Town from private persons. The finance director / designee shall semiannually submit the LGC-203, Report of Cash Balance to the secretary of the Local Government Commission pursuant to G.S. 159-33. This information, with appropriate explanations, shall also be reported to the Town Manager. Each year the plan shall be reviewed by the finance director / designee during budget preparation. The finance director / designee shall report to the Town Manager any amendments adopted, any procedural changes made, and any actions recommended to enhance the cash management plan. The finance director / designee shall report monthly to the Town Manager any deviations from the cash management plan and efforts undertaken to ensure that such deviations do not reoccur.

Town of Smithfield  
Investment Policy  
December 7, 2021

## POLICY

It is the policy of the Town of Smithfield to invest public funds in a manner that will provide the highest investment return with the maximum security while meeting the daily cash flow requirements of the town and conforming to all state and local statues governing the investment of public funds.

## SCOPE

This investment policy applies to all of the town's financial assets. The town pools the cash resources of its various funds into a single pool to maximize investment opportunities. These funds are accounted for in the town's Annual Financial Report.

## OBJECTIVES

The primary objective, in priority order, of the town's investment activities shall be:

*Safety* – safety of principal is the foremost objective of the investment program. Investments of the town shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

*Liquidity* – the town's investment portfolio will remain sufficiently liquid to enable the town to meet all operating requirements, which might be reasonably anticipated.

*Yield* – the town's investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the town's investment risk constraints and the cash flow characteristics of the portfolio.

Funds of the town will be invested in accordance with North Carolina General Statute 159-30, these policies and written administrative procedures. The town's investment portfolio shall be managed in a manner to attain a market rate of return while preserving and protecting capita in the overall portfolio.

## RESPONSIBILITY

Authority to manage the town's investment program is derived from North Carolina General Statute 159-30, which makes the finance director or his/her designee responsible for the town's investments, subject to policy direction by the Town Council. The finance director shall follow the written procedures for the operation of the investment program as set forth in the Cash Management Plan. The finance director routinely will monitor the contents of the portfolio, the available markets and the relative values of competing instruments and will adjust the portfolio accordingly.

## PRUDENCE

Investments shall be made with judgment and care—not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived.

## ETHICS AND CONFLICTS OF INTEREST

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or which could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose to the town manager any material financial interests in financial institutions that conduct business within this jurisdiction, and they shall further disclose any large personal financial/investment positions that could be related to the performance of the town's portfolio. Employees and officers shall subordinate their personal investment transactions to those of the town, particularly with regard to the time of purchase and sales.

## PORTFOLIO DIVERSIFICATION

The town will diversify its investment by security type and institution to avoid incurring unreasonable risks inherent in over-investing in specific instruments, individual financial institutions or maturities. Without exception no more than 50 percent of the town's total investment portfolio will be invested in a single security type or with a single financial institution.

Diversification by Instrument:	Percent of Portfolio
U.S. Treasury obligations (bills, notes, bonds)	50 percent
U.S. Government agencies (fully guaranteed)	50 percent
(Bankers Acceptances (Bas) (GS 147-69.1(C4F))	10 percent
(Commercial Paper (GS 147-69.1 (C4E))	
Certificates of Deposit (CDs) Commercial Banks	50 percent
N.C. Cash Management Trust	50 percent

Diversification by Financial Institution:

Bankers Acceptances (Bas):

No more than 10 percent of the total portfolio with any one institution.

Commercial Paper:

No more than 10 percent of the total portfolio with any one issuer.

Certificates of Deposit (CDs):

No more than 50 percent of the total portfolio with one institution.

N.C. Cash Management Trust:

No more than 50 percent of the total portfolio.

Maximum Maturity Scheduling:

To the extent possible, the town will attempt to match its investments with anticipated cash flow requirements, taking into account large routine expenditures (payroll, power purchases), as well as considering sizeable blocks of anticipated revenue (tax receipts, etc.). Investments in treasuries, agencies and instruments may be purchased with maturities not exceeding 5 years from the settlement date. Maturities shall be timed to comply with the following guidelines:

Under 270 days	50 percent
Under 1 year	75 percent
Under 5 years	100 percent

COLLATERALIZATION

North Carolina General Statute 159-31(b) requires that sufficient collateral be pledged for all public funds. For demand deposits and time deposits, FDIC and FSLIC protection is available for \$250,000. However, once the town's demand or time deposits exceed \$250,000, specific eligible securities must be pledged as collateral for the town's funds. The statutes also allow the state treasurer and the N.C. Local Government Commission to prescribe such rules as may be necessary to regulate the collateralization of public deposits in North Carolina banks and savings and loan associations. These rules are codified in the North Carolina Administrative Code—Title 20, Chapter 7 (20 NCAC 7). The Option 2 method of collateralization under (20 NCAC 7) allows depositories to use an escrow account established with the state treasurer to secure all local units of government deposits. This option transfers the responsibility for monitoring the bank's collateralization from the town's custodian to the state treasurer.

## REPORTING

The finance director will provide a biannual report for management. The report shall include a general description of the portfolio in terms of investment securities, maturities, yields and other features.

## INVESTMENT POLICY ADOPTION

The town's investment policy shall be adopted by resolution of the Town Council. The town manager and the finance director shall review the policy on an annual basis and any modifications made thereto must be approved by the Town Council.

**TOWN OF SMITHFIELD  
RESOLUTION NO. 691 (19-2021)  
GOVERNING MANAGEMENT OF INVESTMENTS**

BE IT RESOLVED by the Smithfield Town Council in regular meeting assembled that:

I

Pursuant to law, G.S. 159-30, the finance director is hereby designated to manage deposits and investments on behalf of the Town of Smithfield, subject to the control and direction of the town manager or, in his/her absence, the designee and the restrictions herein imposed or as may be hereafter imposed by official action of the Council.

II

The finance director shall have the right and power to purchase, sell and exchange securities approved as eligible securities for investment on behalf of this unit's governing board subject to the approval of the town manager or, in his/her absence, the designee. The securities approved for investment, shall be deemed exclusive to all other securities notwithstanding that other securities may by statute be eligible for investment. Funds of this unit may be deposited at interest or invested in the following securities/investment vehicles:

- (a) Obligations of the United States or obligations fully guaranteed as to principal and interest by the United States;
- (b) Obligations of the State of North Carolina;
- (c) Bonds and notes of any North Carolina local government or public authority, subject to such restrictions as the secretary of the N.C. Local Government Commission may impose;
- (d) Deposits at interest or saving certificates of deposit with any bank, savings and loan association or trust company in North Carolina, provided such deposits or certificates of deposit are fully collateralized;
- (e) Prime quality commercial paper bearing the highest rating of at least one nationally recognized rating service and not bearing a rating below the highest (A1, P1, F1) by any nationally recognized rating service that rates the particular obligation;
- (f) Banker's acceptances provided the accepting bank or its holding company is (1) incorporated in the State of North Carolina or (2) has outstanding publicly held obligations bearing the highest rating of at least one nationally recognized rating service and not bearing a rating below the highest (Aaa or AAA) by any nationally recognized rating service that rates the particular obligations; and
- (g) Participating shares in a mutual fund for local government investment (such as the N.C. Capital Management Trust) that is certified by the N.C. Local Government Commission.

III

The finance director shall require that all trades where applicable will be executed by delivery vs. payment (DVP). This ensures that securities are deposited in the eligible financial institution prior to the release of funds.

IV

The finance director shall whenever practicable seek competitive bids in all securities transactions to the end that the purchases and sales are made at the best available price at the time of the transaction.

V

The finance director shall provide semi-annually a summary report to the town manager of the current investment portfolio and transactions made during the last six months. The report shall include a listing of individual securities held at the end of the reporting period, maturity dates, and the percentage of the total portfolio which each type of investment represents. The summary will disclose whether investment activities during the reporting period have conformed to the investment policy.

Adopted by Smithfield Town Council in regular session this 7th day of December, 2021

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M. Andy Moore, Mayor

ATTEST:

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Shannan L. Parrish, Town Clerk



# Request for Town Council Action

2022  
Town  
Council  
Meeting  
Schedule  
Date: 12/07/2021

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Subject: 2021 Town Council Meeting Schedule  
Department: General Government  
Presented by: Shannan Parrish – Town Clerk  
Presentation: Business Item

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## Issue Statement

**Each year the Council is asked to review the next year's Town Council meeting schedule and determine if there are any regularly scheduled meetings that conflict with either a holiday or election day.**

## Financial Impact

N/A

## Action Needed

It is requested that the Council review the 2022 regular meeting schedule and determine if they would like to move the July meeting from July 5<sup>th</sup> to July 12<sup>th</sup>

## Recommendation

Staff recommends adopting the regular meeting schedule and the Council determine a suitable date for the July meeting.

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff Report
2. 2022 Calendar



# Staff Report

Business  
Item: 2022  
Town  
Council  
Meeting  
Schedule

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Article II Section 2-46 of the Town of Smithfield's Code of Ordinances states that a regular meeting of the Town Council shall be held at the Town Hall on the first Tuesday of each month unless the date conflicts with a Town observed holiday or election day, in which event, the meeting will be schedule for the following Tuesday or as such time as may be prescribed.

It is requested that Council review the 2022 regular meeting schedule and determine an alternate date for the July meeting if they so choose.

## 2022 Town Council Meeting Schedule

- January 4<sup>th</sup>
- February 1<sup>st</sup>
- March 1<sup>st</sup>
- April 5<sup>th</sup>
- May 3<sup>rd</sup>
- June 7<sup>th</sup>
- July 5<sup>th</sup> or July 12<sup>th</sup>
- August 2<sup>nd</sup>
- September 6<sup>th</sup>
- October 4<sup>th</sup>
- November 1<sup>st</sup>
- December 6<sup>th</sup>

# Town Council Meeting Schedule

## 2022

### JANUARY

s	m	t	w	t	f	s
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

### FEBRUARY

s	m	t	w	t	f	s
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

### MARCH

s	m	t	w	t	f	s
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

### APRIL

s	m	t	w	t	f	s
						1 2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

### MAY

s	m	t	w	t	f	s
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

### JUNE

s	m	t	w	t	f	s
				1	2	3 4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

### JULY

s	m	t	w	t	f	s
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

### AUGUST

s	m	t	w	t	f	s
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

### SEPTEMBER

s	m	t	w	t	f	s
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

### OCTOBER

s	m	t	w	t	f	s
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

### NOVEMBER

s	m	t	w	t	f	s
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

### DECEMBER

s	m	t	w	t	f	s
						1 2 3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Highlighted are regular Town Council meeting dates



# Request for Town Council Action

Business  
Agenda  
Item:

Storm Drain  
Repair

Date:

12/07/2021

---

Subject: Repair 5 Sherwood Court Storm Drain  
Department: Public Works Department  
Presented by: Public Works Director – Lawrence Davis  
Presentation: Business **Item**

---

Issue Statement: 5 Sherwood Court.

Repair and line the storm pipe that is causing erosion at the residential area of 5 Sherwood Court.

#### Financial Impact

55,000.00 - \$60,000

- Crawler Pipeline Services provided a quote of \$55,000 - \$60,000.
- JP Edwards gave a quote of 59,000.00
- Narron Contracting, INC gave us an hourly quote.

#### Action Needed

Approve Crawler Pipe Lining to repair storm drainage pipe.

#### Recommendation

Staff recommends awarding Crawler Pipe Lining Service to make the repairs.

\$25,000 to be pulled out Stormwater drainage line item 10-40-5900-5300-3310

The other additional monies from contingency.

Approved:  Town Manager  Town Attorney

#### Attachments:

1. Staff Report
2. Quotes for Repair
3. Location Map



# Staff Report

Business  
Agenda  
Item:

Storm  
Drain  
Repair

---

I have contacted several pipelining companies since attempting to make the necessary repairs to fix the storm drainage pipes at 5 Sherwood Court.

I have reached out to each individual contractor, Tristar Contractors, Stormwater NC., **Colonial Pipeline Company** and Crawler Pipeline services. Only one true pipe lining company has answered my calls and emails attempts to warrant the job, Crawler Pipeline services.

I sought estimates also from two other companies Narron Contracting, INC. and James Paul Edwards, INC. Both contractors can repair and fix the breach in the storm drain by excavation, but it would require removal of one property owner's fence and **the neighbor's** driveway which would be an additional cost above the quoted price. Bill Dreitzler, the Towns Engineer, and I agree that pipelining, rather than excavation removal and repair, is the best route to fix the storm drain.

This is an unbudgeted repair that goes beyond what is normally budgeted for storm water repair. **The balance of the project, likely \$30,000 will come from the Town's General Fund Contingency Line.**



QUOTE/AUTHORIZATION TO PROCEED

PROJECT: 5 Sherwood Ct., Smithfield NC 27577

DATE: 7/1/21

Client: Public Works Department  
Attn: Lawrence Davis  
919-934-6570  
231 Hospital Road  
Smithfield, NC 27577

The following is a quote for the work you requested:

Robotic Cutting \$675.00 per hour/ portal to portal  
Vac Truck Cleaning \$375.00 per hour/ portal to portal  
Trenchless Point Repairs 12" x 24" (5) needed \$2800.00 each repair  
Trenchless Point Repairs 12" x 48" (2) needed \$3200.00 each repair  
Trenchless Point Repairs 30" x 48" (6) needed \$4500.00 each repair  
No Permits, No Road Closers, No Traffic Control, No By-Pass Pumping Included

(Water/Hydrant Meter and Dumpsite provided by client onsite)

Payment Terms: Net 30 days

Crawler Pipeline Services, LLC  
Becky Thompson, Managing Member

\_\_\_\_\_  
Client/ Date

JAMES PAUL EDWARDS, INC.  
PO BOX 2307  
SMITHFIELD, NC 27577  
919-934-0518

## SALES PROPOSAL

TO: TOWN OF SMITHFIELD  
Attn: Lawrence

PROJECT: STORM DRAIN

DATE: 08/04/21

SUBJECT: Repair Storm Drain – Replace 160lf of storm drain

- A. Material Cost
- B. Remove chain link fence and shrubs
- C. Remove concrete drive
- D. Equipment and labor for laying pipe
- E. Remove existing 30" RCP
- F. Replace concrete drive
- G. Misc. material.

TOTAL SALES PROPOSAL:

\$ 59,542.00

James Paul Edwards, Jr  
President

**NARRON CONTRACTING, INC**

P.O. Box 909

Clayton, NC 27528

919-803-8331 FAX 919-803-8334

To: Lawrence Davis

Lawrence.davis@smithfield-nc.com

Date: 07/9/2021

Proposal: Town of Smithfield Pipe Repair

**Equipment and Labor**

1 Operator + mini 60 Excavator

2 Pipe layers

1 Pickup or Service Truck

\$250.00 per hour or \$2000.00 8 Hour Day

\$200 mobilization fee (1 time fee only)

Plus, all cost of materials used for repairs.

**1-8 Hour Day Exploratory Digging**

1 Supervisor

2 Pipe layers

1 Pickup Truck and tools

Total \$1360.00 for 8 Hr. Day or \$170.00 per Hour

## Lawrence Davis

---

**From:** Cody Thompson <cody@crawlerpipeline.com>  
**Sent:** Saturday, August 14, 2021 11:32 AM  
**To:** Lawrence Davis  
**Subject:** Sherwood ct estimated bill

Lawrence,

After reviewing the quote we sent and the information I was given regarding the two stormwater lines I came up with \$55,000 to \$60,000 but obviously this is just an estimate considering I'm just basing it off someone else's report!!! Please let me know if you need anything else. Looking forward to working with you on this first project and many more!

Cody Thompson



Cell 919.730.9559

cody@crawlerpipeline.com

# 5 Sherwood Court



30" Stormwater pipe to be lined

SHERWOOD CT

Owner: Mary Leigh Hamilton

Address: 5 Sherwood Ct.

Tax ID#: 14057008B

NCPIN#: 260410-36-2883



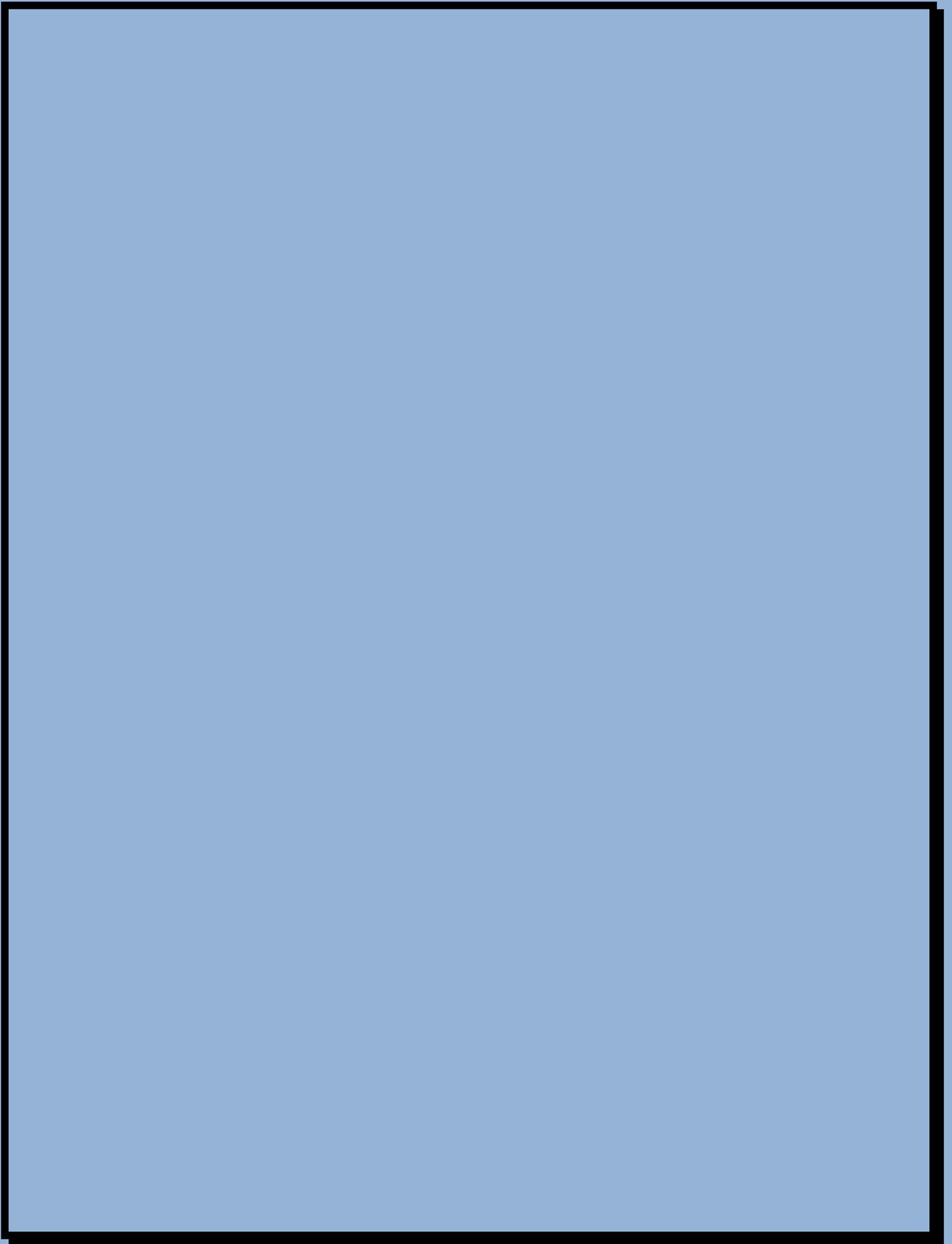
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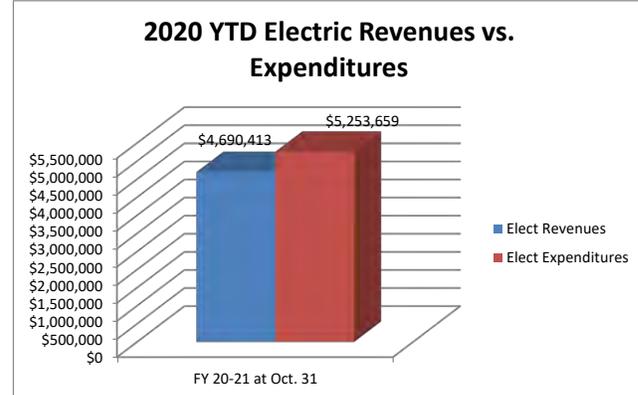
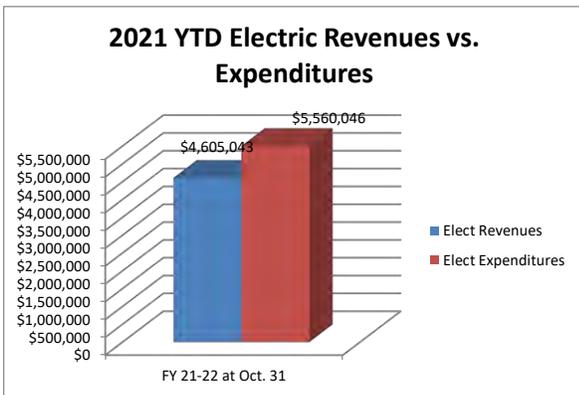
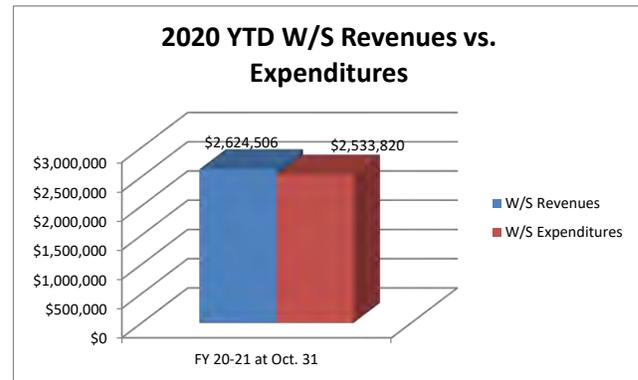
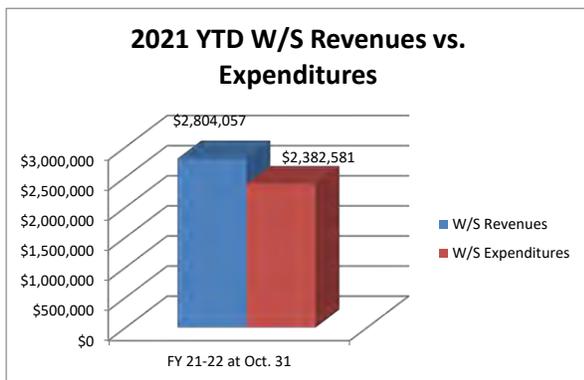
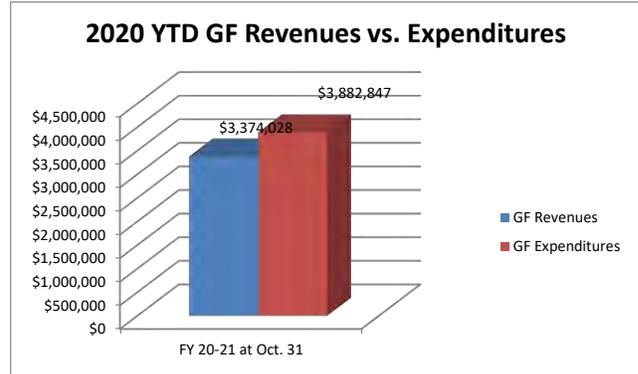
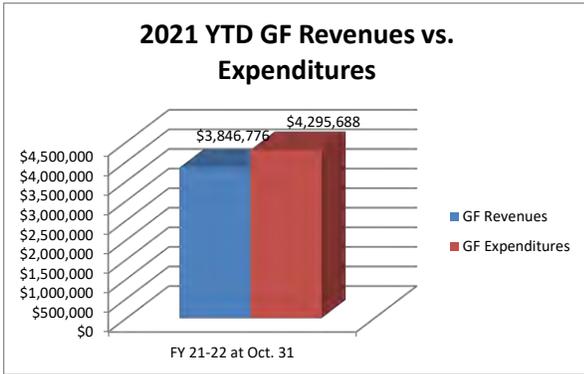
Map created by the Mark E. Helmer, AICP  
Senior Planner, GIS Specialist on 11/22/2021



# Financial Report



## Town of Smithfield Revenues vs. Expenditures



**TOWN OF SMITHFIELD**  
**MAJOR FUNDS FINANCIAL SUMMARY REPORT**  
**October 31, 2021**  
**Gauge: 4/12 or 33.33 Percent**

**33.33%**

<b>GENERAL FUND</b>						
	Frequency	Actual to Date	Budget	Actual to Date	YTD %	
<b>Revenues</b>		<b>FY '20-21</b>	<b>FY '21-22</b>	<b>FY '21-22</b>	<b>Collected</b>	
Current & Prior Year Property Taxes	Monthly	\$ 1,146,888	\$ 6,468,800	\$ 1,599,308	24.72%	
Motor Vehicle Taxes	Monthly	229,000	590,000	281,752	47.75%	
Utility Franchise Taxes	Quarterly	205,618	975,000	221,039	22.67%	
Local Option Sales Taxes	Monthly	496,064	2,710,000	561,081	20.70%	
Aquatic and Other Recreation	Monthly	23,702	396,500	247,228	62.35%	
Sanitation (Includes Penalties)	Monthly	368,457	1,467,264	402,786	27.45%	
Grants		452,520	239,050	-	0.00%	
All Other Revenues		451,778	1,350,549	533,583	39.51%	
Loan Proceeds			-		#DIV/0!	
Transfers (Electric and Fire Dist.)		-	388,190	-	0.00%	
Fund Balance Appropriated		-	1,443,772	-	0.00%	
<b>Total</b>		<b>\$ 3,374,027</b>	<b>\$ 16,029,125</b>	<b>\$ 3,846,776</b>	<b>24.00%</b>	
		<b>Actual to Date</b>	<b>Budget</b>	<b>Actual to Date</b>	<b>YTD %</b>	
		<b>FY '20-21</b>	<b>FY '21-22</b>	<b>FY '21-22</b>	<b>Collected</b>	
<b>Expenditures</b>						
General Gov.-Governing Body		\$ 139,020	\$ 540,555	\$ 164,565	30.44%	
Non Departmental		310,732	916,245	353,940	38.63%	
Debt Service		365,328	884,114	317,926	35.96%	
Finance		30,193	153,973	38,302	24.88%	
Planning		94,463	370,810	96,739	26.09%	
Police		1,157,148	4,534,747	1,254,507	27.66%	
Fire		611,716	2,278,585	610,100	26.78%	
EMS		-	-	-	#DIV/0!	
General Services/Public Works		198,730	666,613	183,541	27.53%	
Streets		140,094	849,242	129,207	15.21%	
Motor Pool/Garage		29,545	153,738	33,842	22.01%	
Powell Bill		9,261	547,312	12,591	2.30%	
Sanitation		363,252	1,507,540	455,512	30.22%	
Stormwater			106,911	2,915	2.73%	
Parks and Rec		220,982	1,136,905	296,238	26.06%	
SRAC		206,432	1,049,437	325,384	31.01%	
Sarah Yard Center		5,951	58,874	20,379	34.61%	
Contingency		-	273,524	-	0.00%	
Appropriations/Contributions			-	-	0.00%	
<b>Total</b>		<b>\$ 3,882,847</b>	<b>\$ 16,029,125</b>	<b>\$ 4,295,688</b>	<b>26.80%</b>	

YTD Fund Balance Increase (Decrease)

- -

33.33%

**WATER AND SEWER FUND**

	Actual to Date	Budget	Actual to Date	YTD %
	FY '20-21	FY '21-22	FY '21-22	Collected
<b>Revenues</b>				
Water Charges	\$ 819,028	\$ 2,872,930	\$ 816,506	28.42%
Water Sales (Wholesale)	378,015	\$ 1,720,000	580,074	33.73%
Sewer Charges	1,330,931	4,600,000	1,326,079	28.83%
Penalties	13,669	52,000	15,731	30.25%
Tap Fees	11,855	23,000	6,685	29.07%
Other Revenues	71,007	123,000	58,982	47.95%
Grants	-	-	-	#DIV/0!
Loan Proceeds	-	-	-	#DIV/0!
Fund Balance Appropriated	-	257,730	-	0.00%
<b>Total</b>	<b>\$ 2,624,505</b>	<b>\$ 9,648,660</b>	<b>\$ 2,804,057</b>	<b>29.06%</b>

	Actual to Date	Budget	Actual to Date	YTD %
	FY '20-21	FY '21-22	FY '21-22	Collected
<b>Expenditures</b>				
Water Plant (Less Transfers)	\$ 701,350	\$ 1,933,175	\$ 662,075	34.25%
Water Distribution/Sewer Coll (Less Transfers)	1,526,904	5,382,963	1,414,941	26.29%
Transfer to General Fund	-	-	-	#DIV/0!
Transfer to W/S Capital Proj. Fund	-	1,472,500	-	0.00%
Debt Service	305,566	611,163	305,566	50.00%
Contingency	-	248,859	-	0.00%
<b>Total</b>	<b>\$ 2,533,820</b>	<b>\$ 9,648,660</b>	<b>\$ 2,382,581</b>	<b>24.69%</b>

**ELECTRIC FUND**

Revenues	Actual to Date	Budget	Actual to Date	YTD %
	FY '20-21	FY '21-22	FY '21-22	Collected
Electric Sales	\$ 4,592,938	\$ 16,300,000	\$ 4,518,518	27.72%
Penalties	23,187	100,000	25,169	25.17%
All Other Revenues	74,288	180,000	61,356	34.09%
Grants	-	-	-	
Loan Proceeds	-	-	-	
Fund Balance Appropriated	-	489,174	-	
<b>Total</b>	<b>\$ 4,690,413</b>	<b>\$ 17,069,174</b>	<b>\$ 4,605,043</b>	<b>26.98%</b>

Expenditures	Actual to Date	Budget	Actual to Date	YTD %
	FY '20-21	FY '21-22	FY '21-22	Collected
Administration/Operations	\$ 822,947	\$ 3,297,909	\$ 964,508	29.25%
Purchased Power - Non Demand	1,272,864	12,565,000	1,495,236	11.90%
Purchased Power - Demand	2,429,871	-	2,372,324	#DIV/0!
Purchased Power - Debt	385,392	-	385,392	#DIV/0!
Debt Service	342,585	342,586	342,585	100.00%
Capital Outlay	-	30,000	-	0.00%
Contingency	-	283,679	-	0.00%
Transfers to Electric Capital Proj Fund	-	550,000	-	0.00%
Transfer to Electric Capital Reserve	-	-	-	
Transfers to General Fund	-	-	-	#DIV/0!
<b>Total</b>	<b>\$ 5,253,659</b>	<b>\$ 17,069,174</b>	<b>\$ 5,560,046</b>	<b>32.57%</b>

**CASH AND INVESTMENTS FOR SEPTEMBER**

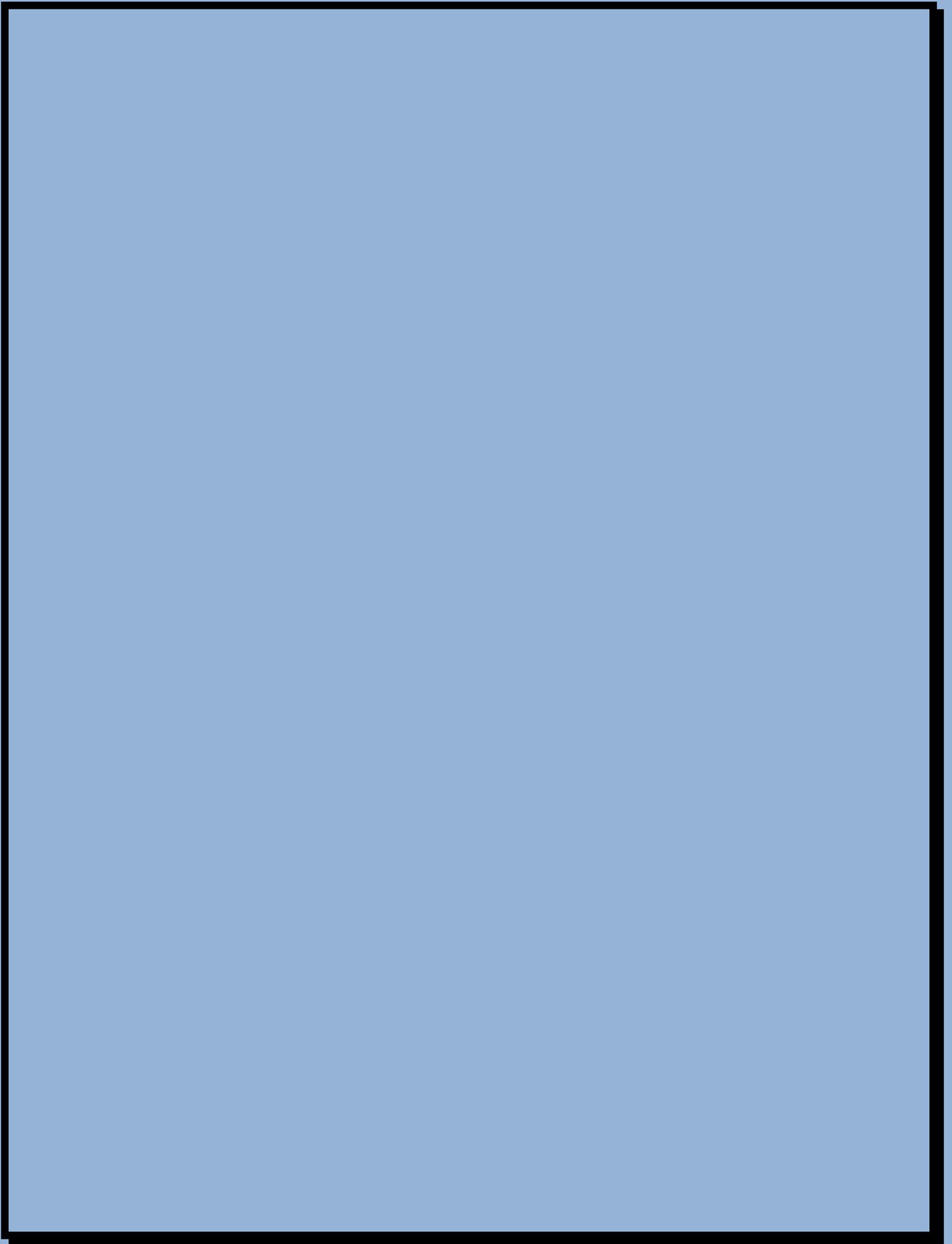
General Fund (Includes P. Bill)	11,557,125		
Water and Sewer Fund	8,160,526		
Electric Fund*	12,682,478		
ARP Fund (20)	2,069,406		
JB George Endowment (40)	135,271		
Water Plant Expansion (43)	4,257,768		
Booker Dairy Road Fund (44)	457,896		
Capital Project Fund: Wtr/Sewer (45)	1,159,550		
Capital Project Fund: General (46)	303,427		
Capital Project Fund: Electric (47)	674,678		
FEMA Acquisitions and Elevations (48)	550		
CDBG Neighborhood Revitalization (49)	(35,892)	1st CITIZENS	34,332,373 0.2% (Earn
Firemen Relief Fund (50)	93,381	NCCMT	2,384,309 0.010%
Fire District Fund (51)	177,786	KS BANK	3,693,142 0.25%
General Capital Reserve Fund (72)	6,009	UNITED COMM	1,290,135 0.20%
<b>Total</b>	<b>\$ 41,699,958</b>		<b>\$ 41,699,958</b>

\*Plug

Account Balances Confirmed By Finance Director on:

11/29/2021

# Department Reports





# Department Report

Monthly  
Economic  
Development  
Update

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## Smithfield Economic Development Activities OCT/NOV21

1. Product Development/New Company Recruitment – Stephen Wensman, Tim and Rocky met with Chris Johnson to review economic development matters.

Amazon –construction progressing, with a couple of planning document issues identified. Follow-ups will be made to address those issues. There have been some indications that an expansion is already being considered. It was agreed that it was time to schedule a meeting with Brian Hall of Samet to discuss the project and future opportunities.

Several discussions from previous meetings were revisited these included:

- Road access through WSIP and a potential connection with Barbour Road. Various **options to achieve this were discussed. The Golden Leaf's SITE** Program-Development provides funds for infrastructure development. The funds may be used for water and sewer extensions, rough grading and clearing, and some road construction. Access to these funds requires prior due diligence. Since WSIP is a Certified Industrial Park, it would appear that it would be in position to access these funds. Rocky will do research on this grant and report back at the next meeting. He will also contact Skip Green, who writes grants for the town to discuss new grant opportunities withing the state and federal budgets.
  - Project Funding – there are several potential opportunities for project funding that may be available through the state and federal budgets. As the state now has a budget for the first-time funds could be available to move several economic development projects forward. Additionally, there are several funding items that benefit the town and the county that will enhance the competitiveness of both. Rocky will research opportunities in the budget for funding of direct economic development projects such as infrastructure and product enhancements.
2. Business Retention and Expansion (BRE)- Because of conflicts, meetings schedule for this month were rescheduled to December
  3. Product Development - Meeting with NRP Ventures, LLC to discuss the potential Woodleaf Project

A group from the town and county met with Ray Perkins and Connie Johnson of NRP Ventures, Richard Osika of Build Pro and Chris Petree and Don Peplinski of the Timmons group to discuss the potential Woodleaf Development. The town and county group included Ted Credle, Stephen Wensman, Tim, and Rocky from the town, and Chris Johnson from the county. Woodleaf is comprised of a large tract of land east of I-95. Plans include 2000 residential units of various configurations including multi-family and single family. They intend to build all the units at one time projecting a management team of 12 and employment of 400-500 construction employees. There were discussions on water and sewer infrastructure development, electric service, ingress, and egress to the property. Rich offered to

provide case studies for other projects his company has or is the process of developing. The planning and rezoning process and timeline was discussed. Ray Perkins also discussed plans for a different parcel which would include office, in particular medical office space and the property could include acreage dedicated to industrial development. Tim pointed out that in our BRE meetings with the hospital management, they had identified the need for medical office space, which matched with Rays description of what the development he envisioned. Rich noted that a residential development of this size would have an impact on schools, and they designed their units to minimize the impact. It was suggested that at their earliest opportunity they should meet with Johnston County Schools and the management of Johnston Health to discuss their plans and identify areas of collaborative efforts. Tim offered to coordinate those meetings and the offered was accepted. Next steps were identified as rezoning and Stephen went through the needed documentation and time frames for process. Rich asked for the anticipated time to acquire the building permits and the consensus was approximately eight months. The meeting adjourned and Rich, Ray, and Connie will proceed with their plans and get back to us as necessary. Tim and Rocky will coordinate the meetings between the developers and Johnston County Schools and Johnston County Health.



**FINANCE DEPARTMENTAL REPORT FOR OCTOBER, 2021**

**SUMMARY OF ACTIVITIES FOR MAJOR FUNDS (10,30,31):**

Daily Collections/Property Taxes/Other.....	\$ 2,841,947
Franchise Tax.....	0
Sales & Use Tax.....	273,919
Powel Bill.....	0
<b>Total Revenue</b>	<b>\$3,115,866</b>

Expenditures: General, Water, and Electric.....\$3,257,131

**FINANCE:**

- Compiled and submitted monthly retirement report on 10/29/2021
- Issued 66 purchase orders
- Processed 911 vendor invoices for payment and issued 493 accounts payable checks
- Prepared and processed 3 regular payrolls and remitted federal and state payroll taxes on 10/01, 10/15 and 10/29/2021
- Sent 0 past due notices for delinquent privilege license
- Issued 0 peddler license
- Sent 0 notices for grass cutting
- Collected \$0 in grass cutting invoices. Total collected to date is \$8,656
- Processed 12 NSF Checks/Fraudulent Cards (Utility and SRAC)
- Debt Setoff - Bad Debt Collection calendar year-to-date total \$29,955.55 (EMS: \$6,128.14; SRAC: \$2,892.17; Utility: \$20,715.24; and Other: \$220)
- Penn Credit - Bad Debt Collection calendar year-to-date total \$10,294
- Invoiced 3 grave opening for a total of \$2,100.
- Invoiced Johnston Community College for Police Security
- Earned \$1,474.98 in interest from FCB and paid 0 in fees on the central depository account
- Paid \$9267 in credit/debit/Tyler card fees, but earned \$7,943 (31-72-3550-3520-0002) in convenience fees (Reporting month charged/earned, not month paid)

**FINANCE DIRECTOR**

- Attended Department Head Meetings on October 4 and 26, 2021
- Paid SRAC Concessions Sales Tax on 10/08/2021
- Attended School of Government ARP Training on 10/15, 20 and 22
- Trained Assistant Finance Director on journal entries, budget amendments and preparing the monthly financial summary report for Council
- Paid Utility Sales Taxes on October 14, 2021 along with preparing and updating the journal entry
- Completed Electric Revenue Bond Modification on October 22
- Sent Letter to Town Attorney for Comments on Legal Litigation on October 27
- Responded to auditor questions during the month and finalized FY21 Audit



# Planning Department Development Report

Monday, November 29, 2021

**Project Name: Kimicka Woodin**

**Request:** Rezone from R-20A to R-10

**Location** 310 Laurel Drive

**Tax ID#:** 15078014A **PIN#:** 169517-22-0403

**Project Status** In First Review

**Notes:**

### Map Amendment 2021-05

**Submittal Date:** 11/5/2021

**Planning Board Review:** 12/2/2021

**Board of Adjustment Review:**

**Town Council Hearing Date:** 1/4/2022

**Approval Date:**

**Project Name: Galilee Point**

**Request:** 10 lot septic tank subdivision

**Location**

**Tax ID#:** 15109034K **PIN#:** 167400-60-4450

**Project Status** In Second Review

**Notes:**

### Subdivision 2021-08

**Submittal Date:** 11/5/2021

**Planning Board Review:** 12/2/2021

**Board of Adjustment Review:**

**Town Council Hearing Date:** 1/4/2022

**Approval Date:**

**Project Name: Advancetech**

**Request:** 98,280 sq ft manufacturing facility / warehouse

**Location** 3900 West US 70 Business Highway

**Tax ID#:** 17J08001D **PIN#:** 168618-20-5729

**Project Status** Second Review Complete

**Notes:** submitted for staff review and approval

### Site Plan 2021-19

**Submittal Date:** 10/4/2021

**Planning Board Review:**

**Board of Adjustment Review:**

**Town Council Hearing Date:**

**Approval Date:**

**Project Name: Twin Creeks Annexation**

**Request:** 1.61 acre annexation

**Location** Black Creek Road

**Tax ID#:** 15109037B **PIN#:** 167300-47-6254

**Project Status** In First Review

**Notes:**

### Annexation 2021-02

**Submittal Date:** 10/1/2021

**Planning Board Review:**

**Board of Adjustment Review:**

**Town Council Hearing Date:** 12/7/2021

**Approval Date:**

Project Name: **Azalea Drive Rezoning**  
 Request: R-10 to R-8  
 Location 18 Azalea Drive  
 Tax ID#: 14056027B PIN#: 260406-28-6306  
 Project Status In First Review  
 Notes: Nonconforming duplex needs R-8 zoning to conform

<b>Map Amendment 2021-03</b>	
Submittal Date:	10/1/2021
Planning Board Review:	11/4/2021
Board of Adjustment Review:	
Town Council Hearing Date:	12/7/2021
Approval Date:	

Project Name: **Harvest Run**  
 Request: R8-CZ to allow for 69 townhouses and 96 single family  
 Location NC 210 Highway  
 Tax ID#: 15077009 PIN#: 168400-84-6775  
 Project Status First Review Complete  
 Notes:

<b>Conditional Zoning 2021-10</b>	
Submittal Date:	10/1/2021
Planning Board Review:	11/4/2021
Board of Adjustment Review:	
Town Council Hearing Date:	12/7/2021
Approval Date:	

Project Name: **Franklin Towns**  
 Request: R8-CZ to allow for 134 townhouses on 15.9 acers  
 Location Wilson's Mills Road  
 Tax ID#: 15083049E PIN#: 169406-29-7604  
 Project Status Second Review Complete  
 Notes:

<b>Conditional Zoning 2021-11</b>	
Submittal Date:	10/1/2021
Planning Board Review:	11/4/2021
Board of Adjustment Review:	
Town Council Hearing Date:	12/7/2021
Approval Date:	

Project Name: **The Insurance Shoppe**  
 Request: 4,900 sq ft free standing office  
 Location 131 Kellie Drive  
 Tax ID#: 14075021S PIN#: 260405-09-8296  
 Project Status Approved  
 Notes: submitted for staff review and approval

<b>Site Plan 2021-18</b>	
Submittal Date:	10/1/2021
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **JNX Corporate Hangers**  
 Request: Parking and stormwater improvements  
 Location 3146 Swift Creek Road  
 Tax ID#: 15079017D PIN#: 168500-12-1015  
 Project Status First Review Complete  
 Notes: submitted for staff review and approval

<b>Site Plan 2021-17</b>
Submittal Date: 9/17/2021
Planning Board Review:
Board of Adjustment Review:
Town Council Hearing Date:
Approval Date:

Project Name: **Britt Street Triplexes**  
 Request: 6 lot division  
 Location Britt Street  
 Tax ID#: 15L11006 PIN#: 169409-06-1658  
 Project Status First Review Complete  
 Notes:

<b>Subdivision 2021-04</b>
Submittal Date: 9/3/2021
Planning Board Review: 10/7/2021
Board of Adjustment Review:
Town Council Hearing Date: 11/2/2021
Approval Date:

Project Name: **Smithfied PD expansion**  
 Request: Addition to existing facility  
 Location 110 South Fifth Street  
 Tax ID#: 15025048 PIN#: 169419-50-2949  
 Project Status First Review Complete  
 Notes:

<b>Conditional Zoning 2021-05</b>
Submittal Date: 9/3/2021
Planning Board Review: 10/7/2021
Board of Adjustment Review:
Town Council Hearing Date: 11/9/2021
Approval Date:

Project Name: **Spring Branch Commons Phs 2**  
 Request: 6 lot division  
 Location East Johnston Street  
 Tax ID#: 15026058A PIN#: 169419-50-6383  
 Project Status Second Review Complete  
 Notes: submitted for staff review and approval

<b>Subdivision 2021-05</b>
Submittal Date: 9/3/2021
Planning Board Review:
Board of Adjustment Review:
Town Council Hearing Date:
Approval Date:

Project Name: **Britt Street Triplexes**  
 Request: 6 attached townhouse style units fronting on Britt Street  
 Location Britt Street  
 Tax ID#: 15L11006 PIN#: 169409-06-1658  
 Project Status **Second Review Complete**  
 Notes:

<b>Conditional Zoning 2021-08</b>	
Submittal Date:	9/3/2021
Planning Board Review:	10/7/2021
Board of Adjustment Review:	
Town Council Hearing Date:	11/2/2021
Approval Date:	

Project Name: **Spring Branch Commons Phs 2**  
 Request: 6 rear loading style single family dwellings  
 Location East Johnston Street  
 Tax ID#: 15026058A PIN#: 169419-50-6383  
 Project Status **First Review Complete**  
 Notes:

<b>Conditional Zoning 2021-09</b>	
Submittal Date:	9/3/2021
Planning Board Review:	10/7/2021
Board of Adjustment Review:	
Town Council Hearing Date:	11/2/2021
Approval Date:	

Project Name: **Town of Smithfield**  
 Request: Landscape Ordinance Amendment  
 Location  
 Tax ID#: PIN#:   
 Project Status **In First Review**  
 Notes: Applies landscape requirements to residential subdivisions

<b>Text Amendment 2021-05</b>	
Submittal Date:	8/6/2021
Planning Board Review:	10/7/2021
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **Whitley Townes**  
 Request: 70 lot Townhouse Subdivision  
 Location West Market Street  
 Tax ID#: 15084001 PIN#: 169409-06-6525  
 Project Status **Second Review Complete**  
 Notes:

<b>Conditional Zoning 2021-07</b>	
Submittal Date:	8/6/2021
Planning Board Review:	9/2/2021
Board of Adjustment Review:	
Town Council Hearing Date:	10/5/2021
Approval Date:	

Project Name: **Marin Woods Subdivision**  
 Request: 143 units on 31.56 Ac.  
 Location NC210 Highway  
 Tax ID#: 15077008 PIN#: 168400-74-4498  
 Project Status **Third Review Complete**  
 Notes: Public hearing conducted on 9/7/2021. On TC agenda for 10/5/21

<b>Subdivision 2021</b>	
Submittal Date:	7/2/2021
Planning Board Review:	8/5/2021
Board of Adjustment Review:	
Town Council Hearing Date:	9/7/2021
Approval Date:	

Project Name: **Marin Woods Subdivision**  
 Request: R-20A to R-8 CZ  
 Location NC 210 Highway  
 Tax ID#: 15077008 PIN#: 168400-74-4498  
 Project Status **Third Review Complete**  
 Notes: 20 foot townhouse lots proposed

<b>Conditional Zoning 2021-06</b>	
Submittal Date:	7/2/2021
Planning Board Review:	8/5/2021
Board of Adjustment Review:	
Town Council Hearing Date:	9/7/2021
Approval Date:	

Project Name: **Ample Storage Expansion**  
 Request: 32K additional building area on 1.84 acres  
 Location 787 West Market Street  
 Tax ID#: 15078199K PIN#: 169413-04-3402  
 Project Status **First Review Complete**  
 Notes: Revised drawings not yet resubmitted by applicant

<b>Site Plan 2021-16</b>	
Submittal Date:	6/23/2021
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **Smithfield's Chichen N Bar-B-Q**  
 Request: New Restaurant at the Applebees location  
 Location 1240 North Brightleaf Boulevard  
 Tax ID#: 14074013H PIN#: 260414-44-4401  
 Project Status **Approved**  
 Notes: Under Construction / staff approved

<b>Site Plan 2021-14</b>	
Submittal Date:	5/26/2021
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	7/20/2021

Project Name: **Airport Industrial Park lot 6**  
 Request: Contractors Office with NO outdoor storage  
 Location 228 Airport Industri Drive  
 Tax ID#: 15J08017J PIN#: 168509-05-3202  
 Project Status **Approved**  
 Notes: under construction / staff approved

<b>Site Plan 2021-10</b>	
Submittal Date:	4/23/2021
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	5/21/2021

Project Name: **Project XD**  
 Request: 629,215 square foot warehouse  
 Location 2110 US70 East Highway  
 Tax ID#: 15078011 PIN#: 168500-63-4559  
 Project Status **In Second Review**  
 Notes: Under Construction / Not yet permitted

<b>Site Plan 2021-07</b>	
Submittal Date:	4/21/2021
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **WSBP Infrastructure**  
 Request: Utility Extension  
 Location 2110 US70 East Highway  
 Tax ID#: 15078011 PIN#: 168500-63-4559  
 Project Status **In Second Review**  
 Notes: Under Construction / Not yet permitted

<b>Site Plan 2021-08</b>	
Submittal Date:	4/21/2021
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **JNX Fuel Farm**  
 Request: All new fueling station with above ground tanks  
 Location 3149 Swift Creek Road  
 Tax ID#: 15079017D PIN#: 168500-12-1015  
 Project Status **Approved**  
 Notes: construction not yet begun / staff approved

<b>Site Plan 2021-12</b>	
Submittal Date:	4/14/2021
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	5/11/2021

Project Name: **Airport Industrial Park lot 13**  
 Request: Contractors Office with outdoor storage  
 Location 55 Airport Industri Drive  
 Tax ID#: 15J08017P PIN#: 168500-04-5363  
 Project Status **Approved**  
 Notes: Under Contruction

<b>Site Plan 2021-05</b>	
Submittal Date:	4/6/2021
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	5/5/2021

Project Name: **Spring Branch Commons**  
 Request: CZ to allow for 9 single family dwellings on 1.21 acres  
 Location 600 East Johnston Street  
 Tax ID#: 15026060 PIN#: 169419-50-6175  
 Project Status **Approved**  
 Notes: Coditional zoning approved. Preliminary sub'd plans comply

<b>Conditional Zoning 2021-02</b>	
Submittal Date:	3/5/2021
Planning Board Review:	4/1/2021
Board of Adjustment Review:	
Town Council Hearing Date:	5/4/2021
Approval Date:	5/4/2021

Project Name: **Twin Oaks Subdivision**  
 Request: 20 lot subdivision  
 Location Will Drive  
 Tax ID#: 15J11008M PIN#: 260300-46-0287  
 Project Status **Approved**  
 Notes: NCDOT approval not yet secured

<b>Subdivision 2020-02</b>	
Submittal Date:	6/5/2020
Planning Board Review:	7/9/2020
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	8/4/2020

Project Name: **Smithfield Living Facility**  
 Request: 83 Unit Assisted Living Facility  
 Location Kellie Drive  
 Tax ID#: 14075022D PIN#: 260405-09-8645  
 Project Status **Approved**  
 Notes: Under Construction

<b>Site Plan 2020-07</b>	
Submittal Date:	6/5/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	9/10/2020

Project Name: **JCC Engineering Building**  
 Request: 46,365 square foot educational facility  
 Location 245 College Road  
 Tax ID#: 15K10199F PIN#: 159308-87-5887  
 Project Status **Approved**  
 Notes: Under Construction

<b>Site Plan 2020-06</b>	
Submittal Date:	5/19/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	8/24/2020

Project Name: **Tru Hotel**  
 Request: 4 Story Hotel  
 Location 167 South Equity Drive  
 Tax ID#: 15008046c PIN#: 260417-10-4438  
 Project Status **Approved**  
 Notes: Under Construction

<b>Site Plan 2020-04</b>	
Submittal Date:	4/29/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	6/1/2020

Project Name: **Johnston County Detention Center**  
 Request: Site Plan Approval  
 Location 1071 Yelverton Grov Road  
 Tax ID#: 15L11011 PIN#: 260300-67-6920  
 Project Status **Approved**  
 Notes: Under Construction

<b>Site Plan 2020-02</b>	
Submittal Date:	2/7/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	7/14/2020

Project Name: **East River Phase II**  
 Request: 32 lot division / Construction Plan Review  
 Location Buffalo Road  
 Tax ID#: 14075013 PIN#: 169520-80-3415  
 Project Status **Approved**  
 Notes: Built out

<b>Subdivision 2018-01</b>	
Submittal Date:	1/29/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	4/20/2020

Project Name: **Johnston Animal Hospital**  
 Request: Free Standing Facility  
 Location 826 North Brightleaf Boulevard  
 Tax ID#: 15005038 PIN#: 260413-02-5950  
 Project Status **Approved**  
 Notes: Under Construction

<b>Site Plan 2020-01</b>	
Submittal Date:	1/7/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	6/24/2020

Project Name: **Johnston Regional Airport FBO**  
 Request: FBO Hanger Addition  
 Location 3149 Swift Creek Road  
 Tax ID#: 15079017D PIN#: 168500-12-1015  
 Project Status **Approved**  
 Notes: Under Construction

<b>Site Plan 2019-04</b>	
Submittal Date:	5/22/2019
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	8/22/2019

Project Name: **Twin Creeks Phs 1**  
 Request: 28 Lot Subdivision  
 Location Gailee Road  
 Tax ID#: 15109011B PIN#: 167300-56-5565  
 Project Status  
 Notes: Under Construction

<b>Subdivision 2019-01</b>	
Submittal Date:	4/5/2019
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **Kamdon Ranch**  
 Request: 110 Lot Division  
 Location Swift Creek Road  
 Tax ID#: 15108020 PIN#: 167400-55-9495  
 Project Status **Approved**  
 Notes: Phs 1 near build out

<b>Subdivision 2019-02</b>	
Submittal Date:	4/5/2019
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	6/27/2019

Project Name: **Tires and Wheels**

Request: Auto Repair

Location 2134 South Brightleaf Boulevard

Tax ID#: 15A61047D PIN#: 168320-91-1779

Project Status **Approved**

Notes: Still under construction, No C/O issued, site lacks dumpster screening

<b>Site Plan 2017-09</b>	
Submittal Date:	8/8/2017
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	3/8/2018



**Town of Smithfield**  
**Planning Department**  
**350 E. Market St Smithfield, NC 27577**  
**P.O. Box 761, Smithfield, NC 27577**  
**Phone: 919-934-2116**  
**Fax: 919-934-1134**

**Permit Issued for October 2021**

		Permit Fees	Permits Issued
Zoning	Land Use	\$400.00	4
Site Plan	Minor Site Plan	\$200.00	8
Zoning	Sign	\$350.00	7
	Report Period	\$950.00	19
<b>Fiscal YTD Total:</b>		<b>\$5,925.00</b>	<b>88</b>

SP21-000098	Site Plan	Minor Site Plan	Lot 6 14 x 70 class B manufactured home.	3382 NC 210 Highway
Z21-000135	Zoning	Sign	1 Stop Smoke Shop	136 South Third Street
Z21-000132	Zoning	Sign	Johnston County Building Industry	141 East Market Street
Z21-000134	Zoning	Sign	Smithfield's Chicken N Bar-B-Que	1240 North Brightleaf
Z21-000138	Zoning	Sign	Smithfield's Chicken N Bar-B-Que	1240 North Brightleaf
Z21-000140	Zoning	Sign	Phone Clinic	1259 North Brightleaf
Z21-000130	Zoning	Sign	Jernigan	721 North Brightleaf 7D
SP21-000091	Site Plan	Minor Site Plan	Accessory Structure	1210 South Crescent Drive
Z21-000131	Zoning	Land Use	Urban Misfits, LLC Clothing Boutique	109 South Third Street
Z21-000139	Zoning	Sign	Urban Misfits	109 South Third Street
Z21-000133	Zoning	Land Use	Mex-Cal Food Truck	527 South Brightleaf Boulevard
SP21-000093	Site Plan	Minor Site Plan	Accessory Structure Addition	203 Cloverdale Drive
SP21-000094	Site Plan	Minor Site Plan	Single Family Dwelling Addition	109 Heritage Drive
SP21-000095	Site Plan	Minor Site Plan	24' x 36' accessory structure	33 Whitley Oaks Court
Z21-000137	Zoning	Land Use	Boost Mobile	1006 North Brightleaf
SP21-000096	Site Plan	Minor Site Plan	Roof Mounted Solar Array	29 Old English Court
Z21-000141	Zoning	Land Use	Devine Amor Beauty Bar, Inc.	14 Noble Street
SP21-000100	Site Plan	Minor Site Plan	Single Family Dwelling	21 Wildberry Road



**TOWN OF SMITHFIELD  
POLICE DEPARTMENT  
MONTHLY REPORT  
MONTH ENDING October 31, 2021**

**I. STATISTICAL SECTION**

Month Ending Oct. 31, 2021	Oct-2021	Oct-20	Oct-2021	Oct-2020	YTD Difference
Calls for Service	1966	1646	18,935	15,167	3768
Incident Reports Completed	165	132	1350	1204	146
Cases Closed	120	83	1010	862	148
Accident Reports	64	70	720	598	122
Arrest Reports	110	66	918	770	148
Burglaries Reported	7	8	65	51	14
Drug Charges	25	12	249	274	-25
DWI Charges	12	6	74	58	16
Citations Issued	210	132	3156	1340	1816
Speeding	40	54	1150	365	785
No Operator License	74	30	753	258	495
Registration Violations	37	16	426	144	282

**II. PERSONNEL UPDATE**

The police department is currently short 5 positions, with (1) position being held for the student in BLET, which will make the agency 4 Short at this time. The department currently has two background investigations under way.

**III. MISCELLANEOUS**

Mandatory in-service training was continued in October. The department has completed annual firearms training for the year. CALEA conducted its third accreditation process with the police department during the month of October. The department has participated in several birthday parades as well as the BOO Bash, Egg Haunt and Trunk a Treat during the month. Officers working during Halloween passed out Glow necklaces to the children in town. Community events are slowly increasing as the COVID restrictions are reduced.

### REPORTED UCR OFFENSES FOR THE MONTH OF OCTOBER 2021

PART I CRIMES	October	October	+/-	Percent Changed	Year-To-Date		+/-	Percent Changed
	2020	2021			2020	2021		
MURDER	0	0	0	N.C.	0	1	1	N.C.
RAPE	0	1	1	N.C.	1	1	0	0%
ROBBERY	0	1	1	N.C.	10	8	-2	-20%
Commercial	0	0	0	N.C.	2	3	1	50%
Individual	0	1	1	N.C.	8	5	-3	-38%
ASSAULT	3	9	6	200%	40	42	2	5%
* VIOLENT *	3	11	8	267%	51	52	1	2%
BURGLARY	8	7	-1	-13%	49	60	11	22%
Residential	0	2	2	N.C.	26	31	5	19%
Non-Resident.	8	5	-3	-38%	23	29	6	26%
LARCENY	43	37	-6	-14%	337	331	-6	-2%
AUTO THEFT	1	4	3	300%	12	39	27	225%
ARSON	0	0	0	N.C.	5	2	-3	-60%
* PROPERTY *	52	48	-4	-8%	403	432	29	7%
PART I TOTAL:	55	59	4	7%	454	484	30	7%
PART II CRIMES								
Drug	13	32	19	146%	204	248	44	22%
Assault Simple	11	7	-4	-36%	63	87	24	38%
Forgery/Counterfeit	2	8	6	300%	28	23	-5	-18%
Fraud	4	7	3	75%	58	58	0	0%
Embezzlement	1	0	-1	-100%	10	7	-3	-30%
Stolen Property	1	3	2	200%	6	13	7	117%
Vandalism	11	6	-5	-45%	54	53	-1	-2%
Weapons	1	3	2	200%	8	15	7	88%
Prostitution	0	0	0	N.C.	0	0	0	N.C.
All Other Sex Offens	1	2	1	100%	6	10	4	67%
Gambling	0	0	0	N.C.	0	0	0	N.C.
Offn Agnst Faml/Chld	0	1	1	N.C.	7	2	-5	-71%
D. W. I.	6	13	7	117%	59	74	15	25%
Liquor Law Violation	0	0	0	N.C.	8	11	3	38%
Disorderly Conduct	1	0	-1	-100%	1	6	5	500%
Obscenity	0	0	0	N.C.	0	0	0	N.C.
Kidnap	0	0	0	N.C.	0	1	1	N.C.
Human Trafficking	0	0	0	N.C.	0	0	0	N.C.
All Other Offenses	20	25	5	25%	213	182	-31	-15%
PART II TOTAL:	72	107	35	49%	725	790	65	9%
GRAND TOTAL:	127	166	39	31%	1179	1274	95	8%

N.C. = Not Calculable



**Town of Smithfield  
Fire Department  
October 2021**

**I. Statistical Section**

Responded to	2021 Oct	Oct IN	Oct OUT	2020 Oct	2021 IN	2021 OUT	2021 YTD	2020 YTD
<b>Total Structure Fires Dispatched</b>	12	4	8	10	35	74	109	77
*Confirmed Structure Fires (Our District)*	2	2	0	0	21	2	23	15
*Confirmed Structure Fires (Other Districts)*	4	0	4	4	0	27	27	24
<b>EMS/Rescue Calls</b>	129	124	5	100	1,257	61	1,318	790
<b>Vehicle Fires</b>	0	0	0	0	13	3	16	10
<b>Motor Vehicle Accidents</b>	23	17	6	23	151	28	179	138
<b>Fire Alarms (Actual)</b>	10	9	1	7	64	5	69	48
<b>Fire Alarms (False)</b>	18	18	0	14	125	7	132	114
<b>Misc./Other Calls</b>	44	38	6	34	256	57	313	239
*Mutual Aid (Received)*	6	6	0	5	30	0	52	33
*Mutual Aid (Given)*	11	0	11	6	0	51	73	93
*Overlapping Calls (Calls at the same time)*	55	0	0	45	0	0	417	267
<b>TOTAL EMERGENCY RESPONSES</b>	<b>230</b>	<b>208</b>	<b>22</b>	<b>182</b>	<b>1,900</b>	<b>188</b>	<b>2,077</b>	<b>1,378</b>

\* Denotes the breakdown of calls, these are not calculated into the totals \*  
**IN/OUT** denotes in and out of the Town, not outside the fire district. When we respond to another fire district (Mutual Aid), which is outside of our total fire district boundaries that is reported in (**Other Districts**).

	Oct	YTD
Fire Inspections/Compliance Inspections	7	109
Public Fire Education Programs	4	11
Children in Attendance	250	382
Adults in Attendance	75	31
Plans Review Construction/Renovation Projects	16	75
Fire Code Citations	0	0
Fire Lane Citations	0	0
Consultation/Walk Through	4	44
Re-Inspections	0	116

**II. Major Revenues**

	Oct	YTD
<b>Inspections</b>	<b>\$50.00</b>	\$2,575.00
<b>False Alarms</b>	<b>\$0.00</b>	\$0.00
<b>Fire Recovery USA</b>	<b>\$792.00</b>	\$3,960.00
<b>EMS Debt Setoff</b>	<b>\$0.00</b>	\$7,673.86

**Major Expenses for the Month:**

**III. Personnel Update:**

**IV. Narrative of monthly departmental activities:**

- Oct. 2 – (2) Public safety event one at Lowe’s Home Improvement, as well as Smithfield Advent Christian Church.
- Oct. 22 – Assisted with a live burn training at JCC, also helped with a public safety event at South Smithfield Elementary school.

**Town of Smithfield  
Public Works Department  
October 31, 2021**



155 Total Work Orders completed by the Public Works Department

6 Burials, at \$700.00 each = \$4,200.00

0 Cremation Burial, \$400.00 each = \$0

\$3000 Sunset Cemetery Lot Sales

\$0 Riverside Extension Cemetery Lot Sales

443.37 tons of household waste collected

196.00 tons of yard waste collected

2.96 tons of recycling collected

0 gallons of used motor oil were recycled

150 scrap tires were recycled

## Appearance Commission Oct. 2021 Monthly Report:

- Trees have been ordered for downtown Carpinus Frax Fountain trees.
- Talked about the Art Wall ideas.
- Talked about how to get more people involved.

Next Appearance Commission meeting will be on Nov. 16, 2021, at 5:00 pm in Town Hall.

**Town of Smithfield**  
**Public Works Appearance Division**  
**Cemetery, Landscapes, and Grounds Maintenance**  
**Buildings, Facilities, and Sign Division**  
**Monthly Report**  
**October 31, 2021**



**I. Statistical Section**

- 6 Burials
- 9 Works Orders – Buildings & Facilities Division
- 15 Work Orders – Grounds Division
- 7 Work Orders – Sign Division

**II. Major Revenues**

Sunset Cemetery Lot Sales:	\$ 3,000.00
Riverside Ext Cemetery Lot Sales:	\$ 0
Grave Opening Fees:	\$ 4,200.00
Total Revenue:	\$ 7,200.00

**III. Major Expenses for the Month:**

The Appearance Division purchased a 6x16 Utility Trailer, paid \$3,419.99. to Leonard's CO. Paid \$1,086.75 to McClung's Elec and plumbing Co. for replacement meter box and serviced the pole at Sunset Memorial Park. Paid \$834.25 to Mosca Design for Christmas lights for Angels downtown. Paid Musgrave Equipment Co. \$12,275.00 for a Kobuta tractor with front loader

**IV. Personnel Update:**

None for the month

**V. Narrative of monthly departmental activities:**

The overall duties include daily maintenance on cemeteries, landscapes, right-of-way's, buildings and facilities. The Appearance Division safety meeting was on "Flood Safety Tips".

**Town of Smithfield**  
**Public Works Drainage/Street Division**  
**Monthly Report**  
**Oct. 31, 2021**



**I. Statistical Section**

- a. All catch basins in problem areas were cleaned on a weekly basis
- b. 0 Work Orders – 0 Tons of Asphalt was placed in 0 utility cuts, 0 gator areas and    overlay.
- c. 0 Work Order – 0 Linear Feet Drainage Pipe installed.
- d. 0 Work Orders - 0 Linear Feet of ditches were cleaned
- e. 8 Work Orders – 405 lbs. of Cold Patch was used for 17 Potholes.

**II. Major Revenues**

None for the month

**III. Major Expenses for the Month:**

Paid \$1,450.00 to Core and Main for Perma Patch.

**IV. Personnel Update:**

No one for the month was hired.

**V. Narrative of monthly departmental activities:**

The Public Works Department safety meeting on "Flood Safety Tips".

**Town of Smithfield  
Public Works Department  
Oct. 2021 Drainage Report**

Location: 100 Block of S. Third St., - Amphitheater Front Street, 1208 Goldsboro Rd. Miracle League Park (Booker Dairy Rd.) Durwood Stephenson Hwy. and Hwy 70 West, Riverside Cemetery (Front St. & 2nd St. at the Church)  
Starting Date: 10/1/2021  
Completion Date: 10/29/2021  
Description: Events requiring containers, roll outs and cones, StEATery Event scheduled for Friday night, Smithfield Neuse Riverwalk, Progressive Men's Club on Market St., Trunk or Treat, Police Dept. Ghost Walk,  
Man-hours: 1.33  
Equipment: trucks 905, 2020 and trailer, 300  
Materials: 21 total rollout containers were used, 12 total barricades and 333 total traffic cones used. 20 barrels,

Location: 739 NC 210 Hwy., 808 NC 210 Hwy., and 845 NC 210 Hwy.  
Starting Date: 10/1/2021  
Completion Date: 10/6/2021  
Description: Clean up FEMA Lots at the following locations:  
Man-hours: 64  
Equipment: Unit#411 Backhoe, Bobcat Tractor w/Bush hog, 304 and 311 Knuckle boom 402 and Trailer  
Materials: 2 Lawn mowers, 2 Weed eaters

Location: Various locations Sanders St. & 2nd St S. 2nd St. & E. Bingham St., N. 4th St. & North St., 10 Nottingham Pl., Brogden Rd. / Near Dollar General Store, 1108 North St., 104 Castle Dr  
Starting Date: 10/1/2021  
Completion Date: 10/1/2021  
Description: Check all utility cuts and backfill if needed at the following locations  
Man-hours: 4  
Equipment: 905 2020  
Materials:

Location: 1109 Outlet Dr., 1025 Outlet Dr., 911 Outlet Dr., 103 Hill Street., 220 Hamilton Dr. & Wilson Mills Rd. (Hamilton Dr. side), 102 Holding St., W. Wellons St. & Cedar Wood Dr.  
Starting Date: 10/1/2021  
Completion Date: 10/1/2021  
Description: Potholes  
Man-hours: 2.334  
Equipment: 905/2020  
Materials: 6.75 bags of Perma Patch. 60lb bag

Location: Underwood Ave. & 1st St., Berkshire Apts., Berkshire Rd., 121 S. Fifth St., Walnut St. & Underwood Ave.

Starting Date: 10/8/2021

Completion Date: 10/28/2021

Description: Cut limbs and Right-of-way.

Man-hours: 25.20

Equipment: 412, 905 Bob cat Tractor and Bushhog

Materials: Hedge Trimmers, Bobcat Tractor and Bush hog  
2 chain saws, 2 weed eaters, 1 pole saw, 1 hand loppers, 1 weed eater with sawblade

Location: 12 Redding Ct., 309 Powell St., East St. & West St. Hood St. & Brightleaf Blvd.  
(Intersection on the Hood St. side)

Starting Date: 10/14/2021

Completion Date: 10/27/2021

Description: Storm drain repairs

Man-hours: 18.01

Equipment: 1 excavator 300/412, mini x

Materials: 3 bags of cement, 2 shovels, 80 lb bags of concrete and 2 buckets of top soil. 7 Bags of Perma Patch

Location: 121 S. 5th St.

Starting Date: 10/27/2021

Completion Date: Not yet complete

Description: Clean contents out of the condemned house and transport to Jo Co Landfill.

Man-hours: 34.5 Hrs

Equipment: 304, 319, Unit 408 Backhoe, 300, 900, 317

Materials: trash can

## Water/Sewer Street Cut List

Date:	Address:	Size:	Emailed to PW on:	Date of Repair:
09/09/21	Sanders & 2nd St.	10x14	09/27/21	10/07/21
09/13/21	S. 2nd & E. Bingham St.	6x15	09/27/21	10/07/21
09/15/21	N. 4th & North St.	5x5	09/27/21	10/07/21
09/16/21	10 Nottingham Place	3x4	09/27/21	10/07/21
09/16/21	Brogden Rd. / near Dollar General Store	8x8	09/27/21	10/07/21
09/23/21	1108 North St.	8x14	09/27/21	10/07/21
09/29/21	104 Castle Dr.	6x8	09/29/21	10/07/21

Cuts repaired by Denton Contracting on 10/07/2021

## Water/Sewer Street Cut List

Date:	Address:	Size:	Emailed to PW on:	Date of Repair:
09/29/21	Intersection of S. 2nd & Sanders St.	5x6	10/15/21	10/19/21
09/29/21	302 S. Rogers Dr.	8x2	10/15/21	10/19/21
10/04/21	405 N. 5th St.	6x10	10/15/21	10/19/21
10/06/21	16 British Ct.	6x13	10/15/21	10/19/21
10/06/21	100 Hillcrest Dr. (Not St.)	4x13	10/15/21	10/19/21
10/06/21	Near deadend of Durham St.	6x12	10/15/21	10/19/21
10/06/21	410 N. 5th St.	4x8	10/15/21	10/19/21
10/12/21	1207 S. Vermont St.	11x11	10/15/21	10/19/21

Denton Contracting repaired the utility cuts

**Town of Smithfield  
Public Works Fleet Maintenance Division  
Monthly Report  
Oct. 31, 2021**



**I. Statistical Section**

- 7   Preventive Maintenances
- 1   North Carolina Inspections
- 50  Work Orders

**II. Major Revenues**

None for the month

**III. Major Expenses for the Month:**

None for the month

**IV. Personnel Update:**

Hired Blake McLean in the part time mechanic position.

**V. Narrative of monthly departmental activities:**

The shop employee performed preventive maintenances on all Town owned generators. The Public Works Department safety meeting was on "Flood Safety Tips".

**Town of Smithfield  
Public Works Sanitation Division  
Monthly Report  
October 31, 2021**



**I. Statistical Section**

The Division collected from approximately 4,090 homes, 4 times during the month

- a. Sanitation forces completed 50 work orders
- b. Sanitation forces collected tons 443.37 of household waste
- c. Sanitation forces disposed of 98 loads of yard waste and debris at Spain Farms Nursery
- d. Town's forces collected 2.46 tons of yard waste#2 and disposed of at Jo Co Landfill
- e. Town's forces collected 6.66 tons of construction debris (C&D)
- f. Town disposed of 150 scrap tires that was collected at Convenient Site Center
- g. Recycling forces collected 2.96 tons of recyclable plastic
- h. Recycled 1480 lbs. of cardboard material from the Convenient Site Center
- i. A total of 0 gals of cooking oil was collected at the Convenient Site Center
- j. Recycled 2980 lbs. of plastics & glass (co-mingle) from the Convenient Site Center

**II. Major Revenues**

- a. Received \$13.27 from Sonoco Products for cardboard material
- b. Sold 0 lbs. of aluminum cans for \$0.00
- c. Sold 1480 lbs. of shredder steel for \$77.70 to Omni Source

**III. Major Expenses for the Month:**

Spain Farms Nursery was paid \$ 2,970 for disposal of yard waste and debris. Amsoil was paid \$ 789.71 Synthetic oil, grease, and diesel treatment. Batteries of NC and SWC LLC was paid \$ 773.76 for LED Amber lights and two-way radio parts for KB trucks and flatbed. Carolina Environmental Systems Inc was paid \$4,325 for car tippers for HHW truck #305. Cox repair was paid \$ 500 for the towing on a KB truck to NC truck and diesel shop. Fleet Pride was paid \$ 2,969.29 for repairs to HHW truck #310 for AC, horn, and Air brake system. Fleet Pride was paid \$ 840 AC repair labor charges. Gregory Pool Equip Co was Paid \$ 4,656.98 for repairs to KB truck #301 for Ac And wiring. Ashley Spain was paid \$ 2,970 for yard waste disposal fee. T&W Welding Co was paid \$ 1,406.51 for hydraulic cylinder repair on truck 310 and 311, Also repacked cylinders and KB Trucks.

**IV. Personnel Update:**

The Public Works Dept. continued to utilize Mitchell Temporary Services until labor positions can be filled.

**V. Narrative of monthly departmental activities:**

The department worked closely with Parks & Recreation providing traffic control devices and event containers for special events held at the SRAC, Downtown and the Sarah yard Center. Assisted with traffic control for Smithfield Police Dept. with the DWI Checkpoint Event. The Public Works Department safety meeting was on "Flood Safety Tips."

Community Service Workers worked 0 hrs.



## MONTHLY REPORT FOR OCTOBER, 2021

PROGRAMS STATISTICS	OCTOBER, 2021	21/22 FY YTD	OCTOBER, 2020	
NUMBER OF PROGRAMS	7	33	8	
TOTAL ATHLETICS PARTICIPANTS	277	1134	132	
TOTAL NON/ATHLETIC PARTICIPANTS	1166	2846	103	
NUMBER OF GAMES PLAYED	58	118	76	
TOTAL NUMBER OF PLAYERS (GAMES)	1632	3492	1370	
NUMBER OF PRACTICES	17	114	2	
TOTAL NUMBER OF PLAYER(S) PRACTICES	282	2236	20	
SARAH YARD COMMUNITY CTR. VISITS	185	667	278	
	OCTOBER, 2021	21/22 FY YTD	OCTOBER, 2020	20/21 FY YTD
PARKS RENTALS	53	176	33	97
USERS (PARKS RENTALS)	2249	5507	811	1863
<b>TOTAL UNIQUE CONTACTS</b>	<b>5,514</b>	<b>14,748</b>	<b>2,582</b>	
	OCTOBER, 2021	21/22 FY YTD	OCTOBER, 2020	20/21 FY YTD
<b>FINANCIAL STATISTICS</b>				
PARKS AND RECREATION REVENUES	\$ 5,296.00	\$ 23,754.00	\$ 1,860.00	\$ 5,318.00
PARKS AND RECREATION EXPENDITURES (OPERATIONS)	\$ 78,504.00	\$ 257,487.00	\$ 73,315.00	\$ 220,982.00
PARKS AND RECREATION EXPENDITURES (CAPITAL OUTLAY EQUIP)	\$ -	\$ 38,750.00	\$ -	\$ -
SARAH YARD EXPENDITURES (OPERATIONS)	\$ 3,889.00	\$ 11,879.00	\$ 2,578.00	\$ 5,951.00
SARAH YARD EXPENDITURES (CAPITAL OUTLAY EQUIP)	\$ -	\$ 8,500.00		
PROGRAMS	SYCC Boo Bash Halloween Egg Haunt Trunk or Treat			



## MONTHLY REPORT FOR OCTOBER, 2021

PROGRAMS SATISTICS	OCTOBER, 2021		OCTOBER, 2020	
NUMBER OF PROGRAMS	17		5	
TOTAL CONTACT WITH PROGRAM PARTICIPANTS	1451		3054	
	OCTOBER, 2021	21/22 FY YTD	OCTOBER, 2020	20/21 FY YTD
SRAC MEMBER VISITS	2827	12749	1787	15450
DAY PASSES	362	5520	0	4455
RENTALS (SRAC)	37	147	0	182
USERS (SRAC RENTALS)	1099	5785	0	10325
<b>TOTAL UNIQUE CONTACTS</b>	<b>5,739</b>	<b>36,547</b>	<b>4,841</b>	
	OCTOBER, 2021	21/22 FY YTD	OCTOBER, 2020	20/21 FY YTD
<b>FINANCIAL STATISTICS</b>				
SRAC REVENUES	\$ 40,501.00	\$ 223,476.00	\$ 1,579.00	\$ 20,057.00
SRAC EXPENDITURES (OPERATIONS)	\$ 91,224.00	\$ 320,754.00	\$ 68,492.00	\$ 206,432.00
SRAC EXPENDITURES (CAPITAL)	\$ -	\$ 4,630.00	\$ 107,505.00	\$ 107,505.00
SRAC MEMBERSHIPS	2272		2034	
PROGRAMS	Aligator Steps Swim Lessons High School Swim Season Began Group Fitness Classes Pottery Classes			



**Utilities Department  
Monthly Report  
October 2021**

- **Statistical Section**

- Electric CP Demand 22,693 Kw relative to September's demand of 25,991 Kw.
- Electric System Reliability for was 99.9974%, with one (1) recorded main line outage; relative to September's 99.9993%.
- Raw water treated on a daily average was 4.192 MG relative to 4.397 MG for September; with maximum demand of 4.876 MG relative to September's 5.144 MG.
- Total finished water to the system was 119.655 MG relative to September's 118.681 MG. Average daily for the month was 3.860 MG relative to September's 3.965 MG. Daily maximum was 4.503 MG (October 25<sup>th</sup>) relative to September's 4.443 MG. Daily minimum was 3.176 MG (October 13<sup>th</sup>), relative to September's 3.099 MG.

- **Miscellaneous Revenues**

- Water sales were \$230,644 relative to September's \$272,614
- Sewer sales were \$419,297 relative to September's \$393,060
- Electrical sales were \$1,290,948 relative to September's sales of \$1,458,983
- Johnston County Water purchases were \$153,622 for 65.371 MG relative to September's \$196,944 for 83.806 MG.

- **Major Expenses for the Month**

- Electricity purchases were \$936,842 relative to September's \$1,044,737.
- Johnston County sewer charge was \$180,119 for 48.173 MG relative to September's \$220,343 for 58.664 MG.

- **Personnel Changes –**

- Jorge Lopez left employment as a Utility Line Mechanic on October 21, 2021.



**Town of Smithfield  
Electric Department  
Monthly Report  
October, 2021**

**I. Statistical Section**

- Street Lights repaired -22
- Area Lights repaired -10
- Service calls – 28
- Underground Electric Locates –213
- Poles changed out/removed or installed -14
- Underground Services Installed -1

**II. Major Revenues**

- N/A

**III. Major Expenses for the Month:**

- N/A

**IV. Personnel Update:**

- The Utility Dept. had a Safety meeting on fire protection.

**V. Miscellaneous Activities:**

- The Electrical Dept. is continuing to work on Conversion work.
- The Electrical Dept. is continuing to work on circuit audit lists.
- The Electrical Dept. installed the 3-phase transformer for the Pitchi St. Vet. Building.
- The Electrical Dept. installed a NOVA Reclosure on the new north circuit.
- The Electrical Dept. installed a lift pole for temp power to the new JCC Engineering building.



## WATER & SEWER

### October 2021 Monthly Report

● DISCONNECT WATER	2
● RECONNECT WATER	1
● TEST METER	0
● TEMPORARY METER SET	3
● DISCOLORED WATER CALLS	5
● LOW PRESSURE CALLS	3
● NEW/RENEW SERVICE INSTALLS	1
● LEAK DETECTION	13
● METER CHECKS	16
● METER REPAIRS	11
● WATER MAIN/SERVICE REPAIRS	8
● STREET CUTS	9
● REPLACE EXISTING METERS	10
● INSTALL NEW METERS	2
● FIRE HYDRANTS REPAIRED	2
● FIRE HYDRANTS REPLACED	1
● SEWER REPAIRS	8

- CLEANOUTS INSTALLED 17
- INSPECTIONS 5
- CAMERA SEWER 2
- SEWER MAIN CLEANED 350 LF
- SERVICE LATERALS CLEANED 1325 LF
- SERVICE CALLS 88
- LOCATES 194
  
- SERVICE AND MAINTAINED ALL 18 LIFT STATIONS 2 TIMES PER WEEK
- INSPECTED ALL AERIAL SEWERS ONE TIME
- INSPECTED HIGH PRIORITY MANHOLES WEEKLY
- HELPING PUBLIC WORKS CLEANING STORM DRAIN ISSUES DURING EVERY RAIN FALL EVENT.

## MAJOR EXPENSES FOR THE MONTH OF AUGUST

- Received shipment of new sewer pumps.

## PERSONNEL UPDATES

- Jorge Lopez resigned

## UPCOMING PROJECTS FOR THE MONTH OF SEPTEMBER

- Donald will be working on “out of service” hydrants



## **MONTHLY WATER LOSS REPORT**

**OCTOBER 2021**

**(4) - Meters with slow washer leaks**

**(2) 3/4" Line, 1/8" hole – 1 Day**

**1" Line, 1/8" hole – 1 Day**

**(3) 2" Line, 1/8" hole – 1 Day**

**6" Line, split – 1 Day**

**(2) Fire hydrants leaking**

**FH LEAKING SLOW DRIP**

**Smithfield Water Plant**  
Distribution Sampling Site Plan

October 2021

**Hydrant Flushing**

Street Name	Date	Chlorine	Time	Gallons	Psi	Street Name	Date	Chlorine	Time	Gallons	PSI
Stephson Drive	10/27/21	3.4	15	7965	10	North Street	10/26/21	2	15	17820	40
Compufer Drive	10/27/21	3	15	31860	10	West Street	10/26/21	1.5	15	78030	50
Castle Drive	10/27/21	3.2	15	7965	10	Regency Drive	10/26/21	2	15	63720	60
Parkway Drive	10/27/21	3.4	15	63720	40	Randers Court	10/26/21	2	15	15930	40
Garner Drive	10/27/21	3.2	15	63723	40	Noble Street	10/26/21	2.5	15	15930	40
Hwy 210 LIFT ST.	10/27/21	3	15	15930	40	Fieldale Dr#1(L)	10/26/21	2	15	63720	40
Skyland Drive	10/27/21	3.2	15	7965	10	Fieldale Dr#2(R)	10/26/21	2	15	63720	40
Bradford Street	10/27/21	3	15	15930	10	Heather Court	10/26/21	2	15	15930	40
Kellie Drive	10/28/21	3.2	15	7965	10	Reeding Place	10/26/21	1.5	15	15930	40
Edgewater	10/28/21	3	15	7965	10	East Street	10/26/21	2	15	63720	40
Edgecombe	10/28/21	3	15	15930	40	Smith Street	10/26/21	2	15	63720	40
Valley Wood	10/28/21	3.2	15	63720	40	Wellons Street	10/26/21	0.5	15	63720	40
Creek Wood	10/28/21	3.2	15	63720	40	Kay Drive	10/21/21	2	15	38985	15
White Oak Drive	10/28/21	3.2	15	7965	10	Huntington Place	10/21/21	1.5	15	38985	15
Brookwood Drive	10/28/21	3.2	15	22515	5	N. Lakeside Drive	10/21/21	1.5	15	9750	15
Runnymede Place	10/28/21	3	15	31860	10	Cypress Point	10/21/21	2	15	34890	12
Nottingham Place	10/28/21	3.2	15	38985	10	Quail Run	10/21/21	1.5	15	8715	12
Heritage Drive	10/28/21	3	15	38985	10	British Court	10/21/21	1.5	15	8715	12
Noble Plaza #1	10/29/21	2.8	15	9750	10	Tyler Street	10/21/21	1	15	78030	60
Noble Plaza #2	10/29/21	2.6	15	9750	10	Yelverton Road	10/21/21	1	15	63720	40
Pinecrest Street	10/29/21	2.8	15	19500	10	Ava Gardner	10/21/21	2	15	63720	40
S. Sussex Drive	10/29/21	3	15	31860	10	Waddell Drive	10/21/21	2	15	7965	10
Elm Drive	10/29/21	3.2	15	9750	10	Henly Place	10/26/21	2	15	8715	12
						Birch Street	10/26/21	2.5	15	34890	12
						Pine Street	10/26/21	2	15	38985	15
Coor Farm Supply	10/29/21	2	15	7965	10	Oak Drive	10/26/21	2	15	37695	14
Old Goldsboro Rd,	10/29/21	3	15	7965	10	Cedar Drive	10/26/21	1.5	15	31860	10
Hillcrest Drive	10/29/21	2.5	15	31860	10	Aspen Drive	10/26/21	1.5	15	34890	12
Eason Street	10/29/21	2	15	38985	40	Furlonge Street	10/26/21	2	15	34890	12
Magnolia circle	10/29/21	1	15	78030	40	Golden Corral	10/26/21	2	15	40290	16
Rainbow Drive	10/29/21	1	15	19500	60	Holland Drive	10/26/21	2.5	15	9750	15
Rainbow Circle	10/29/21	0.5	15	19500	60	Davis Street	10/26/21	2	15	34890	12
Moonbeam Circle	10/29/21	1	15	19500	60	Caroline Ave.	10/26/21	2	15	31860	10
Ray Drive	10/29/21	2	15	15930	60	Johnston Street	10/26/21	2.5	15	38985	15
Will Drive	10/29/21	2	15	63720	40	Ryans	10/26/21	2	90	9750	15
Michael Lane	10/29/21	2.5	15	63720	40						
Ward Street	10/29/21	2.5	15	15930	40						

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