

The Smithfield Town Council met in regular session on Tuesday, June 18, 2024 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:

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

Councilmen Absent

Administrative Staff Present

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

Also Present

Bob Spene, Jr., Town Attorney

Administrative Staff Absent

**Call To Order**

Mayor Moore called the meeting to order at 7:00 pm

**Invocation**

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

**Approval of the Agenda**

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

**Add to the Consent Agenda**

1. Consideration and request for approval of the following fiscal year end budget amendments
  - a. Year-End Budget Amendments for 2023-2024
  - b. Year-End Project and Purchase Encumbrances for 2023-2024; and
  - c. Year-End Purchase Order Encumbrances for 2023-2024
2. Consideration and request for approval to adopt Capital Project Ordinance No. CP-01-2024 closing out six Capital Projects.
3. Consideration and request for approval to adopt six Capital Project Ordinances for grant funding received.
4. Consideration and request for approval to allow employees to donate accumulated sick leave hours to an employee in the Public Utilities Water/Sewer department

Unanimously approved.

**Public Hearings:**

1. **Conditional Zoning Request – Buffalo Ridge (CZ-24-03):** Smithfield Land Group, LLC is requesting the rezoning of approximately 140 acres of land located at 1041 Buffalo Road, also identified by the Johnston County Tax ID 140001021, from R-20A to R-8 Conditional with a masterplan for a 210-lot detached single-family residential development.

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

Planning Director Stephen Wensman addressed the Mayor and Council, highlighting the subject parcel in yellow, currently zoned as R-20A, located on Buffalo Road just north of Buffalo Creek with the Neuse River to the west. He referenced a previously discussed Buffalo Road subdivision across the road. Otis Holland Drive was mentioned as being to the north, with open farmland and a middle school further north. The request was for R-8 CZ conditional zoning within the town, intended for single-family detached residential units. The parcel was in the Smithfield fire district and connected to town utilities. He showed a map indicating the wetland and 100-year floodplain areas on the property, noting that the development plan corresponded with the high ground on the site. Some lots were in the 100-year floodplain, requiring elevation and elevation certificates.

He detailed connections to Holland Drive, existing right-of-way utilization, and a walking trail through the development. He mentioned storm ponds, a mail kiosk, and a tot lot. The lots were 6,000 square feet each. He discussed the total area, noting that portions were wetlands, floodways, or in the 100 and 500-

year floodplains. They planned to elevate part of the 100-year floodplain for 65 development lots. The site also fell within a water supply and critical area watershed, affecting stormwater management.

He described the proposed road standards, including a 27-foot back-to-back road in a 60-foot public right-of-way, and the request for valley curbs instead of standard upright curbs. There were two entrances, town utilities, and 64 lots in the 100-year floodplain. The plan was consistent with the comprehensive plan, with a lower density than allowed. DOT would review access points and required improvements on Buffalo Road. A traffic impact analysis would be needed.

He emphasized that the proposed changes affected only new developments, not existing ones. Wensman corrected the staff report error, noting that the request included public sidewalks on both sides of public streets. The lots were 6,000 square feet, with 50-foot width and 107-foot depth. He discussed setbacks, with staff recommending adjustments. There were no recommendations for parks, so a fee-in-lieu would be submitted with the plat. The HOA would maintain open space areas and amenities. A 24-foot open space strip along Buffalo Road would include a berm, landscaping, and a fence.

Wensman suggested extending a trail to the northern boundary to connect with future developments. He mentioned stormwater ponds, a mail kiosk with parking, and architectural standards including vinyl shingles, shutters, and architectural trim. He stressed the importance of matching architectural graphics with standards. Enhanced landscaping would be provided at entrances, with monument signs. Phase One was expected around 2025, with full build-out by 2030.

He listed deviations from town requirements and areas where they exceeded standards, including concrete curb and gutter, street yard with a berm, landscaping buffers, and architectural standards. Wensman found the plan consistent with the comprehensive plan and unified development ordinance. He recommended reviewing architectural standards, extending the Loop Trail, and considering other changes. He concluded with a list of recommended conditions for approval, including setbacks, berm height, curb and gutter requirements, HOA maintenance, traffic study, and specific architectural requirements.

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

Councilman Dunn asked if there was a buffer along Buffalo Road and inquired about a buffer for the houses on the backside of Holland Drive. Mr. Wensman confirmed that a 10-foot Type A buffer was proposed.

Councilman Dunn asked if the 10-foot buffer was included within the 25 feet or separate. Mr. Wensman clarified that the 25-foot discussed by the planning board was a setback, separate from the 10-foot buffer.

Councilman Stevens inquired about the berm along Buffalo Road, specifically asking if a six-foot fence would be placed on top of the three-foot berm. Mr. Wensman mentioned that there was no elevation provided for the berm but suggested it could be made a condition if the council wished.

Councilman Scott expressed major concerns about the location, smaller lot sizes contrary to R-8 recommendations, stormwater issues, and traffic congestion on Buffalo Road.

Councilman Scott confirmed with Mr. Wensman that the road to the right of the screen was Buffalo Road and the channel behind it was the Neuse River. He pointed out existing water issues, potential flooding, and the impact of adding more impervious surfaces with new houses.

Mayor Andy Moore shared similar concerns about stormwater and asked about the impact of elevating 65 lots out of the flood zone. Mr. Wensman acknowledged the concern and noted that detailed grading plans were not available. He explained that stormwater management would meet UDO standards and emphasized that all developments add impervious surfaces, impacting stormwater. He assured that the development would meet state standards for stormwater management.

Councilman Scott asked about the driveway ordinance, questioning how the 50% front yard rule would work with smaller lots. Mr. Wensman assured that driveways would still be less than 50% of each yard's front area.

Councilman Scott appreciated the recommendation for curb and gutter and stressed addressing street parking and narrow pathways now rather than relying on future HOA management. Mr. Wensman mentioned that the planning board did not include the HOA management condition but the developer was willing to consider it. Councilman Scott disagreed with relying on the future HOA and emphasized addressing the issue now.

Councilman Stevens asked if valley curbs were better than standard curbs for stormwater management. Mr. Wensman stated he was not an engineer but noted that both curbs were designed to handle storms. He mentioned that the town's standard was for upright curbs, but valley curbs had been allowed in some cases.

Councilman Barbour inquired about stormwater ponds on slide number six, questioning if the indicated areas were for retention ponds and if they would handle increased runoff. Mr. Wensman confirmed the locations of proposed retention ponds and explained that detailed engineering was not required at the zoning level but would be reviewed by the town engineer later. Councilman Barbour emphasized the need for adequate stormwater management and noted that the existing flooding issue must be addressed.

Councilman Barbour also asked if the subdivision was intended to be maintenance-free regarding lawn care. Stephen Wensman responded that the HOA would maintain open spaces but not individual lots.

Councilman Dunn noted the need for a traffic impact study and expressed concerns about the road capacity, given the size of the subdivision and another nearby development. Mr. Wensman explained that he had tried to arrange a meeting with DOT for a comprehensive look but was advised to handle each issue individually. He anticipated that turn lanes and possibly a stoplight might be required in the future.

Councilman Barbour recalled past DOT presentations about Buffalo Road, noting changes in plans and the need for an update. Mr. Wensman shared that the last communication from DOT indicated a three-lane rural road design north of Derwood Stevenson Parkway, which had not been designed or funded yet. He mentioned that extra right-of-way was acquired in East River for future expansion. Councilman Barbour suggested getting an update from DOT on their plans, as it affected town decisions.

Councilman Barbour asked about the cul-de-sac shown on slide number seven, questioning its purpose. Stephen Wensman explained that the cul-de-sac provided lot frontage for several lots so that they did not back up directly to Buffalo Road. He mentioned that the lots to the north had backyards facing Buffalo Road.

Councilman Barbour questioned why a driveway wasn't proposed instead of a cul-de-sac, considering the proximity to the road. Stephen Wensman stated that another connection to Buffalo Road was probably not allowed, necessitating the cul-de-sac.

Councilman Scott highlighted the straight line on the right side of the slide, noting two existing lots and the berm and fences that would be obvious. He acknowledged the cul-de-sac's role in providing lot frontage but questioned its placement.

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

Rick Buckner from 106 Cobblestone Court highlighted the additional traffic the new neighborhood would bring. He raised concerns about the density of new developments, arguing for larger lots at lower prices to shift market demand. He questioned the town's ability to support additional housing given current resource constraints, such as water, police, fire services, and schools.

Wendy Lupo from 101 Cobblestone Court expressed concerns about traffic congestion, especially during school hours. She stressed the need for thoughtful planning regarding road infrastructure, school capacity, and law enforcement, noting that the police department currently had 20 vacancies. She called for wise growth that maintains safety and the sense of community, ensuring that developments do not compromise the well-being of residents.

Gene Bruton from 105 Cobblestone Court voiced serious concerns about the water problems related to two developments on Buffalo Road. He argued that increased housing density and road construction would exacerbate water runoff, causing significant flooding. He warned that narrowing wetlands would push water back to Buffalo Road, leading to unprecedented flooding and damage to properties. Bruton criticized the planned developments, highlighting that the first project included 220 houses, which were then condensed into a smaller area. He questioned the developers' motives, suggesting that donating 35 acres to the city seemed like a bribe. Bruton shared his personal struggles with water management on his property, having installed a pump system to handle excessive rain.

Greg Stewart from Rhetson Companies, acting as project manager, addressed concerns about the development project. He explained that their civil engineer, Scott Brown, who had worked closely with the planning board, was absent due to a family death. Stewart emphasized their commitment to integrating the project seamlessly into the community and addressing local concerns.

Mr. Stewart acknowledged traffic concerns, noting that the North Carolina Department of Transportation (NCDOT) strictly regulates road and driveway permits to avoid hazards. He assured that the development would comply with NCDOT standards.

Regarding water issues, Stewart clarified that no development was planned in the wetlands, and any construction in floodplains would meet regulatory requirements. He stressed that their current plans were conceptual and subject to further surveys and grading plans. He suggested that the development could help manage existing unmitigated water issues by directing water flow more effectively.

He highlighted the role of state and federal agencies, along with the town of Smithfield, in approving every step of the project. He reiterated the project's alignment with the comprehensive plan and future land use plans. He mentioned that growth in the area was anticipated, evidenced by the presence of parks intended to serve future residents.

He assured that all design aspects, including stormwater management and traffic, would be handled by professionals and approved by relevant agencies. Although unable to provide specific answers at the zoning stage, Stewart committed to a thorough review process to ensure safety and compliance.

Mr. Stewart highlighted the 17 conditions set by the town, demonstrating their willingness to collaborate and ensure the project meets all standards. He invited further questions, offering to answer them to the best of his ability.

Councilman Scott inquired about the build-out phases and driveway plans for the development. Mr. Stewart explained that the build-out would be driven by economic factors and material availability, with

the current plan being two phases, although it could extend to three based on demand. He noted that NCDOT would dictate road and driveway configurations, and any required changes would be implemented accordingly.

Councilman Scott then asked about the project's sewer capacity, suggesting that the council might require assurance of sufficient capacity for the entire development rather than addressing it in phases. Stewart acknowledged the ongoing project to enhance sewer capacity and assured that they would ensure adequate capacity without overloading the system.

Richard Vinson of Rhetson Company, clarified that currently, if they were fully permitted, they couldn't build houses due to lack of sewer capacity. He explained that securing capacity required moving forward with the current project phase to get into the queue for future capacity when it becomes available, potentially in 18 to 24 months. He noted that the development plans, originally considering townhomes, were adjusted based on council feedback against townhomes. They shifted to lower density, weaving the development around wetlands and floodplains. Vinson emphasized that the conditional zoning was necessary to make the project viable, driven by the property's contours and environmental features.

Councilman Barbour expressed concerns about the natural flow of water and how development might impact flooding in the area. He pointed out that, without intervention, water naturally flows down the field into the river, and while human methods can control and direct this flow, the current development plans might still push water into problematic areas. Barbour asked if the developers had considered ways to move water beyond the problematic valley area to prevent further flooding.

Richard Vinson responded that if the zoning were approved, the first step would involve a wetlands delineation study by the Department of Environmental Quality (DEQ). He clarified that they cannot legally push more water onto the wetlands or other properties without proper mitigation. Vinson explained that water would be managed through infiltration ponds or stormwater systems, ensuring it moves naturally without exacerbating flooding. He emphasized that the DEQ has strict regulations on handling wetlands, and if necessary, they would build larger ponds to manage the water effectively. This could involve eliminating some lots to increase the pond size, ensuring the development complies with environmental standards.

Councilman Barbour discussed the requirement for retention ponds to have some form of water movement or aeration to prevent stagnation, as had been requested in other projects.

Mr. Wensman clarified that it was not yet known if the ponds in question would be wet ponds, which typically require aeration to mitigate issues like mosquito breeding. He mentioned that across the street, a wet pond had been planned with aeration as a mitigation measure.

Councilman Barbour inquired about when the type of pond would be determined and whether the council would have input on it now or later. Mr. Wensman suggested that a condition could be made that if the ponds were wet ponds, they should be aerated.

Mr. Vinson cautioned that the Department of Environmental Quality (DEQ) has specific regulations on how water should be managed and that imposing a condition might conflict with DEQ requirements. He explained that if the condition required a wet pond but DEQ later mandated an infiltration basin instead, it could create compliance issues due to differing requirements from the two bodies. Vinson recommended leaving the decision to the experts to avoid such conflicts.

Councilman Scott asked Mr. Stewart if he would object to a condition requiring the developer to obtain sewer capacity for the entire subdivision, even if it were built out in phases. Mr. Stewart responded that while they would like to have all the capacity at once, they don't control that decision as developers.

Mayor Andy Moore sought clarification from Town Attorney Bob Spence, who explained that the developer could purchase the allocation for the entire project if available, but noted the potential complications if economic factors drove a different model for phase two.

Stephen Wensman emphasized that this meeting was focused on rezoning for phases one and two, with more detailed planning to come at the preliminary plat stage. Councilman Scott clarified that his concern was for the total capacity of the presented phases, not future additions.

Mayor Moore reiterated that the request for the total sewer allocation from the county could be made as a condition if allowed. Mr. Stewart confirmed their preference to secure the full capacity to avoid fragmentation of the project. The discussion highlighted the importance of early planning and managing sewer capacity to prevent future issues and costs for end users.

Councilman Stevens asked about the architectural standards listed in the conditions and confirmed that the developers were on board with them. He emphasized the importance of conditional rezoning for maintaining architectural standards, noting that without it, developers could build lower-quality houses. Stevens expressed discomfort with valley curbs due to parking management issues and suggested considering a condition to exclude vinyl siding.

Stephen Wensman clarified that the listed materials didn't exclude vinyl. Mayor Andy Moore mentioned a recent decision to exclude vinyl, which seemed satisfactory to the council. Stevens reiterated the need for higher standards, pointing out that previous developments were not ideal representations.

The developer mentioned that 80% of houses within a three-mile radius met the proposed architectural standards. Stevens remained concerned about consistency with local architecture.

Councilman Barbour reiterated the need to include aeration for wet ponds as a condition, and Wensman confirmed that it could be requested by the council.

Councilman Barbour reiterated that the council had previously requested no vinyl siding and preferred curbs and gutters over valley curbs, which had been consistently denied in recent developments. Stephen Wensman confirmed that valley curbs were only allowed in front of townhouse units and not in single-family housing.

Councilman Stevens clarified the berm details, ensuring it included a three-foot berm with a fence behind it. He raised concerns about potential road widening by NCDOT, which could affect the berm and open space. Wensman explained that the preliminary plat would address these issues, and adjustments would be made if necessary.

Councilman Barbour emphasized the importance of considering future NCDOT plans for road widening. Mr. Wensman suggested that the town could request funding for corridor improvements through the STI process due to increased development, although this hadn't been anticipated initially. He mentioned that NCDOT typically tries to work with existing conditions to minimize impacts on adjacent properties.

The developer confirmed that NCDOT has future road plans and makes adjustments based on new developments. Councilman Barbour pointed out that NCDOT's traffic studies don't always reflect actual conditions, leading to congested roads. Wensman added that while NCDOT has plans to widen Buffalo Road, they haven't detailed how this would be executed yet.

Councilman Barbour raised a question about considering future road expansions when planning new projects, suggesting that the town should build buffers to accommodate potential widening needs. Mr. Wensman confirmed that the town could ask for open space along corridors as a conditional zoning measure to prepare for future expansions, though the specifics of how much space would be needed are uncertain.

Mr. Wensman explained that through the STI process, the town could advocate for improvements in key corridors, such as Buffalo Road, by lobbying for funding. He also mentioned the county's transportation plan, which could include prioritizing certain areas for development, thereby making it easier to get state funding for road expansions.

Councilman Barbour noted that it seemed like other subdivisions were being built further off the roads, possibly to enable future expansions, and suggested that the town might need to adopt similar measures. Mr. Wensman agreed to investigate the county's requirements and processes for such developments.

Mayor Andy Moore then asked the developer if they agreed with the no-vinyl condition. The developer expressed a preference for valley curbs due to their softer look and benefits for kids riding bikes, but acknowledged the concerns about parking and agreed to hard curbs if necessary. The developer also agreed to provide aeration for wet ponds to mitigate bugs. However, the developer explained that committing to Hardy siding would be financially challenging and could impact the overall home values and feasibility of the project. They suggested exploring other high-quality vinyl options and working with the planning staff to find a compromise.

Councilman Stevens sought clarification on the architectural standards listed in condition 16. Mr. Wensman explained that the recommended condition included a requirement for a certain percentage of premium materials like stone or brick rather than just plain vinyl. Stevens emphasized the need for specific aesthetic standards to maintain the desired look for the community, citing past instances where developments did not meet expectations. He suggested requiring no traditional vinyl on the front facades, which was supported by Councilman Dunn.

Councilman Stevens wanted to avoid large blank walls facing the streets on corner lots. Mr. Wensman referenced a past project, Marin Woods, to illustrate the importance of clear architectural guidelines, showing how the absence of such standards led to unsatisfactory results.

The developer agreed to work on addressing these issues, suggesting that specific details could be finalized during the preliminary plat stage. The council discussed making it a condition that architectural standards must be revisited and approved before the preliminary plat.

Mayor Moore asked if the developers had a specific builder in mind or if they would be selling lots to various builders. The developers indicated that they primarily focused on development and would sell the lots to builders. Moore emphasized that this meeting was an opportunity to set conditions that any future builder would need to follow. The developers agreed to work with the council and planning staff to refine these conditions.

Councilman Stevens asked the developers for suggestions to avoid large blank walls on the side of homes. Mayor Andy Moore mentioned that windows could be added to these walls, which the developers agreed would provide more specificity and clarity for future projects. The developers expressed their desire to follow the rules closely to avoid future issues and acknowledged the town's growth. They appreciated the council's efforts to work with them for the best outcome and highlighted their decision not to propose townhomes, aligning with the council's preferences for single-family homes.

Councilman Stevens then asked the developers how they would suggest avoiding large blank walls, referencing a specific undesirable example. The developers suggested requiring a minimum of two windows per wall on corner lots and at least one window on any side of the house to avoid the blank wall issue.

Councilman Scott proposed that architectural features like chimneys could be added as well, but Mayor Moore noted that chimneys might price the homes out of the market. The developers agreed to the proposed window conditions, aiming to ensure more attractive and functional designs.

Councilman Stevens raised the issue of the architectural standards listed in condition 16. Stephen Wensman explained that lap siding can be vinyl, and the council discussed whether higher-grade vinyl would be acceptable or if a percentage of other materials, such as brick or stone, should be required.

Town Attorney Bob Spence asked if the builder had experience with homes that had concrete siding on the front and vinyl on the other sides, to which the builder replied that he had not personally done it but had seen it. The builder expressed concern about the ambiguity of what qualifies as "premium" vinyl and noted that adding more specific language could create confusion.

Councilman Stevens suggested working with the staff to determine appropriate percentages of different materials. The builder indicated a need to consult with more experienced colleagues to understand the feasibility and cost implications.

Mayor Andy Moore acknowledged the town's growth and emphasized the importance of collaborating with developers to achieve the best outcomes. He noted that the developers had adapted their plans based on previous council feedback, such as avoiding townhomes or apartments.

The council discussed setting a condition for two windows per wall on corner lots and at least one window on any side wall to avoid large blank walls. The developers agreed to this condition, and they also discussed the potential use of premium materials for the front facades of homes.

Councilman Stevens proposed that all homes should have a combination of at least two materials on the front facade, with one of those materials being either brick or stone. Mayor Moore supported this idea, noting that it would help ensure the final product aligns with the council's expectations. The council then focused on finalizing the language for this condition to ensure clarity and enforceability.

Mayor Moore asked Councilman Scott about his concerns regarding lot sizes. Councilman Scott mentioned that he would like to see an increase in lot sizes, particularly for corner lots, and suggested having an average lot size to ensure some lots are larger.

Stephen Wensman explained that zoning deals with minimum lot sizes, and while some lots may be larger due to curves and landscape features, the proposal includes a minimum of 6000 square feet per lot. Councilman Scott highlighted that the current zoning allows for 8000 square feet per lot, and he felt this should be considered in negotiations.

The developers did not have the exact percentage of lots larger than 6000 square feet but noted that many lots, especially those on curves, were indeed larger. Wensman provided an example showing that corner lots are bigger due to having front setbacks on both streets, which increases their size.

Mayor Moore acknowledged that they were getting larger lots, and Stephen Wensman inquired about specific lot sizes. It was noted that Lot 132 was among the larger ones. Examples included Lot 147 at 12,000 square feet, Lot 145 at 8,400 square feet, and Lot 125 at 7,600 square feet. It was highlighted that corner lots and radius lots were generally larger, with some lots reaching 8,000 to 8,500 square feet.

Mayor Pro-Tem Wood recalled a previous discussion about addressing flooding and water issues in Bradford Park, particularly mentioning that the developers had agreed to install storm drains to alleviate water problems in backyards. Wensman confirmed this and emphasized that the proposed development would use best practices to manage water flow.

The developers assured that most of the property naturally drained towards the Neuse River, and they would adhere to required design standards to address all water management concerns before proceeding further.

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

Councilman Stevens asked Mr. Wensman to review the newly added conditions. Wensman pulled up the current conditions and ensured everyone was comfortable with the first five before moving on. He highlighted Condition 15, which had been added by the planning board, increasing the rear setback to 25 feet for lots along Holland Drive. They then discussed amendments to the architectural standards, specifically requiring at least two windows on street-facing walls of corner lots and at least one window on any wall. Additionally, all homes would need to feature a combination of two or more materials, with at least one being brick or stone.

Councilman Stevens expressed concern about ensuring a significant amount of brick or stone was used, not just a minimal application. Wensman suggested adding a percentage requirement for the materials. They discussed potential solutions, such as a minimum height for brick or stone bands, but acknowledged the difficulty in specifying an exact amount that would look aesthetically pleasing in all cases.

Councilman Barbour noted that builders would naturally want to create attractive homes to sell them, implying they wouldn't skimp on materials to the point of absurdity. However, Mayor Moore emphasized the importance of setting clear standards now to avoid future disappointment, referencing past issues

with developments like Marin Woods. He acknowledged the challenge of determining the right amount of brick or stone that would be both practical and visually appealing.

Councilman Stevens wanted to leave some flexibility for the architect while avoiding loopholes. He suggested percentages or specific conditions to prevent minimal use of materials like brick or stone. The discussion clarified they were focusing on front-facing elevations.

Mr. Wensman proposed calculating percentages for materials on the elevations. He used an example of a house with about 10% brick coverage. They considered requiring a minimum percentage of materials like brick or stone to ensure substantial use, rather than just minimal application.

The developer expressed willingness to comply but highlighted concerns about aesthetic flexibility. They preferred not to be constrained to specific material percentages, which could lead to less modern designs. Instead, they suggested focusing on ensuring a minimum quality standard on the facade without dictating exact materials, allowing for varied and attractive designs.

Mr. Wensman suggested using "Class A" building materials but noted the need for clear definitions. The mayor asked if decisions from this point could be handled at the staff level or needed further council review. Wensman explained that after preliminary plat approval, further details would be managed by staff. The mayor proposed requiring elevation presentations at the preliminary plat stage to ensure design quality. The developer acknowledged that detailed architectural plans would be necessary to finalize materials and designs, aiming to balance quality and flexibility.

Councilman Scott revisited the corridor along Buffalo Road, mentioning the Planning Board's previous discussions. He inquired whether the setback for the lots was included in the conditions. He noted the mention of a berm and a fence but pointed out they were not mentioned together with landscaping.

Stephen Wensman clarified that the developer had verbally stated the fence would be behind the berm at the back of the lots, although this detail was not included in the review. He confirmed a 24-foot buffer from the right of way to the back or side of the lots, which would include a fence, berm, and landscaping.

Councilman Scott asked if they should be more specific about these details. Wensman responded that it was up to the council and mentioned requesting a section of the berm but not receiving one. He suggested specifying a three-foot berm with landscaping and the fence somewhere on the berm, though he did not always prefer it at the top.

Councilman Scott and Councilman Barbour discussed the fence's purpose, agreeing it should be for aesthetics, hiding backyard items, and complemented by landscaping in front. Barbour noted that this approach was similar to what had been done at Franklin Homes.

Councilman Stevens proposed ensuring the condition stated "a landscape berm."

Councilman Scott raised the issue of a trail along Buffalo Road. Wensman clarified that the plans included trails, and the only added condition was to connect the trail to the development to the north. Scott questioned if there was a specific trail along Buffalo Road, and Wensman confirmed it was included in the plans. Barbour sought clarification that the trail would replace the sidewalk, which Wensman confirmed, aligning with the PED plan that called for a trail instead of a sidewalk on that side of the road.

Councilman Scott asked Stephen Wensman to review the newly added conditions. Mr. Wensman briefly went over the current conditions, highlighting that the first five were accepted and noted the Planning Board's addition to increase the rear setback to 25 feet along Holland Drive lots.

Councilman Scott suggested being more specific about the buffer, proposing to preserve the natural buffer or add something to divide the area. Mayor Andy Moore clarified, suggesting that existing mature vegetation within the 25-foot buffer should be left intact instead of being clear-cut.

Mr. Wensman confirmed that there were no existing trees in most of the 25-foot buffer area, only some big trees right on the property line or within the first five feet. The consensus was to leave existing trees in place as part of the 10-foot buffer, while any additional fencing should not encroach on the protected buffer.

The developers agreed to this, noting the potential issue of fencing around trees but acknowledged that the HOA would protect the landscape buffer from being cut. Mayor Andy Moore provided an example from his neighborhood, where a landscape buffer could not be touched by homeowners, and fences had to stop at the edge of the buffer.

Councilman Stevens confirmed the condition of a 10-foot existing vegetation buffer, and Mayor Andy Moore emphasized it should be preserved if it extends to 20 feet. The developers agreed, satisfying the condition. Mr. Wensman stated that a specific condition wasn't necessary because staff would enforce the required landscaping. He explained that if landscaping is mandated, the development must maintain it, regardless of whether it's on private property, due to the landscape easement.

Mayor Moore elaborated on the issue, mentioning that subdivisions bordering existing farmland often clear all the old trees and replace them with small shrubs, which take decades to grow. He emphasized that it's preferable to leave existing vegetation as much as possible to maintain a buffer between new subdivisions and existing neighborhoods. This approach prevents the immediate neighbors from facing a bare landscape while waiting for new plants to grow.

Mayor Andy Moore then asked if there were any further questions or comments.

Stephen Wensman reviewed the conditions, confirming:

All recommended conditions as listed in the staff report

Amendments to condition 16 of the staff report, defining architectural standards as previously discussed.

The developer must obtain sewer capacity for the entire development if the county allows.

Any wet ponds must be aerated.

Standard curbs, not valley curbs, must be used.

Mr. Wensman noted that these were three new conditions plus an amendment to an existing architectural condition, making a total of 20 conditions.

Councilman Barbour made a motion, seconded by Councilman Dunn, to approve CZ 24-03 with the 20 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. Councilman Barbour, Councilman Dunn and Councilman Stevens voted in favor of the motion. Mayor Pro-Tem Wood, Councilman Lee, Councilman Scott and Councilman Rabil voted against the motion. Motion failed three to four resulting in a denial of CZ-24-03.

## **2. Unified Development Ordinance Amendment – Driveway Ordinance Amendment (ZA-24-01):**

Planning Staff are requesting an amendment to the Unified Development Ordinance, Article 10, Section 10.6 to update the driveway standards

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

Planning Director Stephen Wensman explained that the request to update the driveway standards had previously been part of a larger text amendment but had been tabled by the council. The Planning Board reviewed it multiple times and was now brought forward as per the direction of the town manager and staff. The ordinance had not changed since the Planning Board's previous review, except for the driveway standards in the AR 20A zoning district. This ordinance would require all new driveways to be paved with asphalt, concrete, or alternative paving materials like concrete pavers or brick, excluding gravel. For driveways exceeding 50 feet, the first 50 feet would have to be paved, with the remainder allowed to be gravel. The paving could not exceed 50% of the front yard area, and driveway aprons had to conform to the town standard detail. A zoning permit would be required for all driveways.

Councilman Scott agreed with the Planning Board and moved to ask staff to correct the text amendment to exclude the ETJ (Extraterritorial Jurisdiction) areas. Mayor Andy Moore noted it was a public hearing and needed to proceed with it.

Stephen Wensman reiterated that zoning standards applied to both town and ETJ areas, and separating them would require a different ordinance under the administrative code.

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

Councilman Barbour questioned why the rules for the ETJ should not be enforced the same way as for the town, given that Smithfield was a growing town and ETJ areas would likely become part of the town. He argued that non-compliance during this period could lead to inconsistencies in driveway standards, which would be problematic when ETJ areas were incorporated into the town.

Mr. Wensman noted that many new houses had substandard driveways with undefined edges and weeds growing, highlighting the need for improved standards.

Councilman Scott asked if there were any pictures of problematic driveways in the ETJ, expressing that ETJ residents, who had no voting authority, would be financially burdened by the requirement for paved driveways. He noted that most ETJ driveways were not paved and questioned the cost of installing a concrete or asphalt driveway of at least 50 feet, expressing concern about the reach of the requirement.

Councilman Stevens expressed his dislike for having different rules for the ETJ compared to the rest of the town, suggesting that it could lead to complications. He acknowledged the argument about ETJ's future growth but pointed out that many ETJ homes had gravel driveways leading straight to the road, which he considered dangerous for motorcycles.

Town Manager Michael Scott mentioned that he had asked Stephen to research this issue because he noticed that new infill houses around town had gravel driveways, which he didn't believe the council would approve of. He noted that the town attorney indicated that the same standards must apply to both the ETJ and the town, and that the Administrative Code couldn't be used for differentiation.

Town Attorney Bob Spence stated that there must be a police power justification for any separation in standards. He expressed concern that such differentiation could be challenged, though he understood the necessity of aprons to prevent vehicles from getting stuck in ditches.

Councilman Barbour summarized that the ETJ could not be excluded from the decision, implying that the rules had to apply uniformly to both areas.

Stephen Wensman mentioned that the standards could be amended, specifically for the R-20A district, which is mostly in the ETJ. He suggested finding an appropriate compromise, such as a 30-foot driveway standard, just requiring a concrete apron, or a combination of a concrete apron and gravel extending a

certain distance into the property up to the facade of the home. He pointed out that some properties are farms, so a full driveway requirement might not be practical, but for residential properties, a concrete apron might be a suitable solution.

Councilman Barbour asked for clarification and requested Stephen Wensman to go through the details again to ensure he understood correctly.

Stephen Wensman explained that driveways needed to be paved with asphalt, concrete, or alternative paving materials such as bricks or concrete pavers, but not gravel. For R-20A driveways exceeding 50 feet in length, the remaining portion could be gravel or a similar load-bearing material. He noted that paving could not exceed 50% of the front yard, there was already a driveway standard, and zoning permits would be required for driveways to ensure compliance.

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

Mark Lane, a resident of the ETJ and Planning Board Chairman, expressed his confusion regarding the new construction requirement for driveways to be paved for the first 50 feet. He emphasized that the ETJ is a different, more rural area and questioned whether an existing gravel driveway that requires a building permit for a barn would trigger the need for paving.

Stephen Wensman clarified that the paving requirement would only apply if a new driveway was needed; existing driveways would not be affected. He referred to a past situation with car dealers who had to stripe parking lots according to existing code, which they initially objected to but was not a new requirement.

Mayor Moore sought clarification on whether a significant remodel or addition to an existing house would trigger the new driveway standards. He questioned if adding 500 or 3000 square feet to a 2500 square foot house would necessitate a new driveway and expressed the concern that new construction standards might apply in such scenarios.

Stephen Wensman responded that the new driveway standards would only apply if a new driveway was proposed. Existing driveways would not be affected, even if the house underwent significant remodeling or expansion. He explained that the new driveway standard would be triggered by new driveways, not by additions to existing ones.

Councilman Barbour emphasized that any new driveway, regardless of its purpose (even for agricultural use), would need to meet the new standard of being paved for the first 50 feet. He questioned if this requirement was practical and whether the Department of Transportation (DOT) would have involvement in ensuring the proper construction of these driveways. Mr. Wensman responded that agricultural uses could be exempt from the driveway standard.

Councilman Stevens expressed his dislike for having different standards for different areas and agreed with the need for a uniform standard. He supported the idea of including an exception for agricultural use to avoid impractical requirements.

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

Councilman Barbour made a motion, seconded by Councilman Dunn, to approve zoning text amendment, ZA-24-01, excluding agricultural uses, amending Article 10, Section 10.6, finding the amendment consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest. Councilman Barbour, Councilman Dunn, Mayor Pro-Tem Wood, Councilman Lee, Councilman Stevens and Councilman Rabil voted in favor of the motion. Councilman Scott voted against the motion. The motion passed six to one.

**ORDINANCE # ZA-24-01**  
**AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD**  
**UNIFIED DEVELOPMENT ORDINANCE**  
**ARTICLE 10, SECTION 10.6 DRIVEWAYS.**

**WHEREAS**, the Smithfield Town Council wishes to amend certain provisions in the Town of Smithfield Unified Development Ordinance by making changes to Unified Development Ordinance Article 10, Section 10.6 Driveways.

**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 10, Section 10.6 to update the Town's driveway standards.]

## Sec. 10.6. Driveways.

### 10.6.1. General.

After the date of passage of this section, only All non-agricultural designed, approved, constructed, and surfaced in accordance with the provisions herein shall be allowed to provide motor vehicle access to or from any property upon which a building has been constructed, reconstructed, or physically altered.

- 10.6.1.1. All Non-agricultural driveways shall be paved with either asphalt or concrete, or with alternative paving material (e.g., concrete pavers, brick, "turfstone" or similar pervious material) determined to exhibit equivalent wear resistance and load bearing characteristics as asphalt or concrete. Single-family properties in the R-20A zoning district with driveways exceeding 50' in length, may pave the remainder of the driveway to the public right of way with gravel or similar load bearing material.

10.6.1.2. Driveways and parking may cover a maximum of 50 percent of the front yard of single-family or two-family lot, unless restrictions on impervious surface coverage pose greater restrictions.

10.6.1.3. All new driveway aprons shall be constructed in accordance with the Town's Standard Detail and Specifications Manual.

10.6.1.4. Before a building zoning permit is issued for the construction, reconstruction, or change in use of any building or land used for purposes other than a single or two-family residence, all driveways shall be reviewed and approved by the Planning Director Administrator. Private driveways serving single-family and two-family dwellings shall not be regulated by the provision of this Ordinance. "Construction, reconstruction, or change in use" refers to those improvements made to the site involving overall structure size or to changes in use which would require the addition of one or more parking spaces under the provision of Article 10, Part I, Off-Street Parking and Off-Street Loading Requirements; it is not intended to refer to construction activities which merely involve changes to exterior architectural features (e.g., painting, addition of siding, roofing activities, etc.).

10.6.1.5. Discontinued driveway access. When the use of any driveway has been permanently discontinued, the property owner of that driveway shall, at his expense, replace all necessary curbs, gutters, aprons, sidewalks, and appurtenances thereto, within sixty (60) days of receipt of a written notice from the Administrator.

10.6.1.6. Driveway conflicts. No driveway shall conflict with any municipal facility such as traffic signal standards, catch basins, fire hydrants, crosswalks, loading zones, bus stops, utility poles, fire-alarm supports, meter boxes, and sewer clean-outs or other necessary structures, except with the express approval of the Director of Public Works. Any adjustments to municipal facilities to avoid such conflicts shall be at the expense of the driveway applicant.

### 10.6.2. Permit Requirements.

A permit must be obtained from the ~~Public Works Director~~ Planning Director with approval from the Public Works Director prior to the removal, alteration, or construction of any curb, driveway, gutter, and/or pavement or prior to the performance of any other work in any public or private street. Conditions governing the issuance of such a permit are:

**10.6.2.1.** A continuing indemnity bond with sufficient surety acceptable to the town may be required of the party performing the work. All work must be done in conformity with the standards established herein.

**10.6.2.2.** The town shall be indemnified for any damages it might sustain as a result of the breach of condition above. The damages payable to the town shall be the amount required to make such an improvement conform to town standards.

Based on the Town of Smithfield Schedule of Fees, a fee shall be paid to the town at the time the application for a driveway permit is made.

### 10.6.3. Submission of Plans.

Two copies of plans showing the location and dimensions of all proposed improvements shall be filed with the Planning Director Administrator for approval prior to the issuance of a driveway permit ~~for uses other than single or two-family residential.~~

All design and construction of driveways shall conform to the requirements of the Town of Smithfield Standard Detail and Specifications Manual. ~~North Carolina Department of Transportation.~~

#### 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 18 day of June, 2024.

**3. Rezoning Request – Watershed Overlay District (RZ-24-05):** Planning Staff are requesting to update the zoning map to reflect watershed overlay districts consistent with those mapped by the North Carolina Department of Environmental Quality (NCDEQ)

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

Planning Director Stephen Wensman explained that, according to NC statutes, the town's watershed map could not be less restrictive than the state's. The NC Department of Environmental Quality (DEQ), which oversees water supply and watershed programs, found discrepancies between the town's and DEQ's watershed boundaries during a recent review. The town's zoning map currently showed protected and critical areas with different hash patterns, with the critical area mainly located south of Stevenson.

He noted that significant changes included the exclusion of the industrial district from the protected area. In a comparison, pink areas indicated regions to be removed from current boundaries, while green areas showed additions. The critical area would become somewhat smaller, and part of the industrial district, including Gates Concrete and new developments, would be added to the protected area. Developers were informed that they were within the boundary, despite the map not showing it, affecting some current developments.

He stated that the map districts would be reflected on the zoning map, with the amendment adding and removing properties from the overlay. The town had the ability to petition the state for deviations if it could be proven that the areas did not flow to the watershed. However, the town engineer reviewed it and recommended adopting the DEQ's map, as it could not be proven otherwise. The current boundaries were shown on the left, and the proposed changes on the right. Staff found the amendments consistent and provided a recommended motion for the council's consideration.

Mr. Wensman mentioned that much of the proposal would remove lots from the critical area. He clarified that the pink areas were being added to the map, while the green areas were already there but had not been mapped previously. He confirmed that the changes were essentially correcting the map and would primarily affect new developments, not existing ones. He also explained that areas shown in green on the map were already part of the watershed but had not been reflected correctly. The adjustments would not negatively impact recently approved zoning requests for new houses in West Smithfield. Wensman explained that watershed issues pertained to water flowing to the river and upstream from the town's water intake. He reiterated that the town could not be less restrictive than state requirements and that the map changes were necessary to comply with state mandates.

Councilman Barbour sought clarification on the map, noting that his house fell in the green area. He questioned if the green areas had always been part of the watershed but were not previously mapped, which Wensman confirmed. Barbour expressed concern about how the changes would affect recent zoning approvals and watershed issues, specifically related to flooding and water pollution. He acknowledged that the map adjustment was correcting an error and aimed to comply with state requirements, ultimately understanding that the town's higher elevation meant flooding was not a direct issue, but water flow and pollution were concerns.

Mayor Andy Moore sought confirmation that the state required the map changes. Mr. Wensman responded in the affirmative.

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

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

Councilman Barbour made a motion, seconded by Mayor Pro-Tem Wood, to approve zoning map amendment, RZ-24-05, 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. Unanimously approved.

**Citizens Comments: None**

**Consent Agenda**

Councilman Barbour made a motion, seconded by Councilman Dunn, to approve the item listed on the consent agenda. Unanimously approved.

1. Approval was granted to adopt the following fiscal year end budget amendments:
  - a. Year-End Budget Amendments for 2023-2024

**BUDGET  
AMENDMENTS  
June 18, 2024**

<u>GENERAL FUND</u>	<u>BEFORE</u>	<u>ADJ.</u>	<u>AFTER</u>
<b>1. Revenue</b>			
10-00-3460-3100-0000 Occupancy Tax	\$ 375,000	\$ 30,000	\$ 405,000

**Expenditures**

10-61-4110-5300-5601 Non-Depart. - Occupancy Tax \$ 363,750 \$ 30,000 \$ 393,750

To increase occupancy tax expenses to match receipts

**2. Revenue**

10-75-3870-3870-0000 Transfer Fire District Tax \$ 239,000 \$ 173,000 \$ 412,000

**Expenditures**

10-20-5300-5100-0200 Fire -  
Salaries \$ 1,380,166 \$ 103,000 1,483,166  
10-76-5300-5970-9100 Fire - Transfer to GFCPF (Fire  
Truck) 300,000 70,000 \$ 370,000  
\$ 1,680,166 \$ 173,000 1,853,166

To partially fund three (3) new firefighters positions effective January , 2024, using additional 1st responders proceeds from Johnston County and to partially fund fire truck purchase

**3. Revenue**

10-40-3400-3403-0000 Cemetery Lot Sales \$ 40,000 \$ 10,000 \$ 50,000

**Expenditures**

10-60-5500-5300-3420 General Services - Grave Opening \$ 30,000 \$ 10,000 \$ 40,000

To increase grave opening cost

**4. Revenue**

10-10-3800-3800-0000 General Fund - Misc Receipts \$ 30,000 \$ 3,500 \$ 33,500

**Expenditures**

10-60-6200-5300-3300 Recreation - Supplies/Operations \$ 80,409 \$ 3,500 \$ 83,909

To fund Jo Co Arts Council Grant for sustaining art programs

**5. Revenue**

10-10-3800-3800-0002 General Fund - Misc Receipts \$ - \$ 3,000 \$ 3,000

**Expenditures**

10-60-6200-5700-7400 Recreation - Capital Outlay  
(Pickleball Court Conversion) \$ 215,835 \$ 3,000 \$ 218,835

To fund Friends of the Park Grant for Talton Soccer Field turf

**6. Revenue**

10-10-3800-3800-0000 General Fund - Misc Receipts \$ 33,500 \$ 10,000 \$ 43,500

**Expenditures**

10-60-6200-5300-3470 Recreation - Amphitheater  
Projects \$ 15,000 \$ 10,000 \$ 25,000

To fund Jo Co Arts Council Grant for concert series

**7. Revenue**

10-60-3300-3315-0112 Grant - Jo Co Open Space \$ - \$ 30,000 30,000  
10-60-3300-3315-0111 Grant - Jo Co Visitors Bureau \$ - \$ 28,500 28,500  
\$ - \$ 58,500 58,500

**Expenditures**

10-60-6200-5700-7401 Recreation - Capital Outlay  
(Pickleball Court Conversion) \$ - \$ 58,500 58,500

To establish and fund pickleball court conversion as approved at the March 23, 2023 Council Meeting

**8. Expenditure**

10-10-4110-5300-5718 Non-Departmental - Approved Town Projects	\$ 40,000	\$ (30,000)	10,000
10-76-4110-5970-9000 Non-Departmental - Transfer to GFCPF	\$ -	\$ 30,000	30,000
	<u>\$ 40,000</u>	<u>\$ -</u>	<u>40,000</u>

Fund additional Hastings House Repair as approved by Council at the 5/13/2024 council budget meeting

**9. Expenditures**

10-10-4100-5300-1201 Gen Gov - Legal Fees	\$ 90,000	\$ 45,000	\$ 135,000
10-10-4100-5300-4501 Gen Gov - Contract Services (Salary Study)	20,416	9,084	29,500
10-10-4110-5300-3305 Non-Depart. - Misc.	-	1,408	1,408
10-10-4110-5300-5600 Non-Depart. - Downtown Dev Tax	131,805	5,000	136,805
10-10-4200-5100-0200 Finance - Salaries & Wages	96,435	18,000	114,435
10-10-4200-5120-0500 Finance - FICA	7,400	1,500	8,900
10-10-4200-5300-1700 Finance - Equip Maint. & Repair (Storage)	-	1,962	1,962
10-10-4200-5300-3305 Finance - Misc.	-	161	161
10-10-4300-5700-7400 IT - Capital Outlay	96,500	13,403	109,903
10-10-4900-5300-3305 Planning - Misc.	-	30	30
10-20-5100-5300-1700 Police - Equipment Maint.	68,730	24,173	92,903
10-20-5100-5300-3305 Police - Misc	-	4,500	4,500
10-20-5100-5100-0250 Police - Overtime	40,000	60,000	100,000
10-20-5300-5100-0250 Fire - Overtime	20,000	40,000	60,000
10-20-5300-5300-1700 Fire -Equip Maint. & Repair (HVAC Station 2)	44,040	6,027	50,067
10-20-5500-5300-1700 Gen Serv -Equip Maint. & Repair (Town Hall AC Repair)	10,000	2,800	12,800
10-60-5500-5125-0610 Gen. Serv. - Retiree Supplemental (M. McKinney)	-	3,976	3,976
10-40-5800-5300-0760 Sanitation - Temp Agency	-	55,000	55,000
10-40-5900-5100-0250 Stormwater - overtime	-	500	500
10-60-6200-5700-7400 Recreation - Capital Outlay	215,835	5,000	220,835
10-20-5100-5300-3000 Police - Fuel	126,420	(35,000)	91,420
10-20-5100-5125-0600 Police - Group Insurance	560,855	(160,000)	400,855
10-00-9990-5300-0000 General Fund Contingency	<u>241,799</u>	<u>(102,524)</u>	<u>139,275</u>
	<u>\$ 1,770,235</u>	<u>\$ -</u>	<u>\$ 1,770,235</u>

To balance departments at year end

**11. Revenue**

10-30-3900-3900-0100 Fund Balance Approp. - Powell Bill	<u>\$ -</u>	<u>\$ 50,000</u>	<u>\$ 50,000</u>
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**Expenditures**

10-30-5700-5700-7310 Powell Bill - Patch & Resurface	<u>\$ 395,835</u>	<u>\$ 50,000</u>	<u>\$ 445,835</u>
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To increase budget for Powell Bill expenses

**12. Expenditure**

10-00-9990-5300-0000 General Fund Contingency	\$ -	\$ (15,222)	\$ (15,222)
10-76-4110-5970-9000 Non-Departmental - Transfer to GFCPF	<u>30,000</u>	<u>15,222</u>	<u>45,222</u>
	<u>\$ 30,000</u>	<u>\$ -</u>	<u>\$ 30,000</u>

To fund overage on CDBG Neighborhood Revitalization

FUND

21

**7. Revenue**

21-60-3300-3307-6202 OSBM Grant - Amphitheater Restroom	\$ -	\$ 300,000	\$ 300,000
21-10-3300-3307-4100 OSBM Grant - Ava Gardner Sprinkler System	-	150,000	150,000
21-20-3300-3307-5100 OSBM Grant - Public Safety (SRO)	<u>-</u>	<u>450,000</u>	<u>450,000</u>
	<u>\$ -</u>	<u>\$ 900,000</u>	<u>\$ 900,000</u>

**Expenditures**

21-60-6200-5700-7402 OSBM Grant - Amphitheater Restroom	\$ -	\$ 300,000	\$ 300,000
21-10-34100-5700-7400 OSBM Grant - Ava Gardner Sprinkler System	-	150,000	150,000
21-20-5100-5700-7400 OSBM Grant - Public Safety (SRO)	<u>-</u>	<u>450,000</u>	<u>450,000</u>
	<u>\$ -</u>	<u>\$ 900,000</u>	<u>\$ 900,000</u>

To establish and fund OSBM Grants for amphitheater restroom, Ava Gardner sprinkler system and school resource officers equipment

**CDBG Neighborhood Revitalization**

**13. Revenue**

49-75-3870-3870-0300 Transfer GF	<u>\$ -</u>	<u>\$ 15,222</u>	<u>\$ 15,222</u>
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**Expenditures**

49-00-4110-5700-4507 CDBG Neighborhood Revitalization	<u>\$ 646,100</u>	<u>\$ 15,222</u>	<u>\$ 661,322</u>
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To fund overage on CDBG Neighborhood Revitalization

**WATER/SEWER FUND**

30-71-3500-3525-0010 Sewer System Development Fees	<u>\$ 25,000</u>	<u>\$ 125,596</u>	<u>\$ 150,596</u>
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**Expenditures**

30-71-7220-5300-4503 County System Development Fee	<u>\$ -</u>	<u>\$ 125,596</u>	<u>\$ 125,596</u>
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To establish and fund additional wastewater capacity allocation for Wintergreen Hotel (aka Home 2Suites)

**6.**

**Expenditures**

30-71-7200-5300-1000 - Water Plant - Debt Collection Fee	\$ -	\$ 100	\$ 100
30-71-7220-5300-1000 Wtr/Sewer Dist - Debt Coll Fee	-	100	100
30-00-9990-5300-0000 Water/Sewer Contingency	<u>274,447</u>	<u>(200)</u>	<u>274,247</u>
	<u>274,447</u>	<u>-</u>	<u>274,447</u>

To fund Penn Credit Debt Collection Cost

**7.**

**Expenditures**

30-71-7200-5300-0771 Water Plant - Unemployment Compensation	\$ -	\$ 364	\$ 364
30-71-7200-5300-3303 IT Supplies	<u>2,000</u>	<u>(364)</u>	<u>1,636</u>
	<u>\$ 2,000</u>	<u>\$ -</u>	<u>\$ 2,000</u>

To fund unemployment claims

**8. Expenditures**

30-71-7200-5100-0200 Water Plant - Salaries & Wages	\$ 511,675	\$ 50,000	561,675
30-71-7200-5100-0250 Water Plant - Overtime	\$ 15,000	\$ 20,000	35,000
30-71-7200-5300-1201 Water Plant - Legal Fees	5,000	30,000	35,000
30-71-7200-5300-3300 Water/Sewer - Supplies/Operations	922,906	28,883	951,789
30-71-7200-5700-7400 Water Plant - Capital Outlay	80,000	15,000	95,000
30-71-7220-5100-0250 Water/Sewer - Overtime	35,000	20,000	55,000
30-71-7220-5300-0770 Water/Sewer - Property Liab/Workers Comp	142,680	20,000	162,680
30-71-7220-5300-1300 Water/Sewer - Utilities	\$ 35,000	\$ 15,000	50,000
30-71-7220-5300-3100 Water/Sewer - Vehicle Supplies	\$ 25,000	\$ 9,750	34,750
30-71-7220-5300-3300 Water/Sewer - Supplies/Operations	\$ 275,000	\$ 6,500	281,500
30-00-9990-5300-0000 Water/Sewer Contingency	202,547	(202,547)	-
30-71-7220-5300-3100 Water/Sewer - Sewage Treatment	<u>2,400,000</u>	<u>(12,586)</u>	<u>2,387,414</u>
	<u>\$ 4,649,808</u>	<u>\$ -</u>	<u>\$ 2,262,394</u>

To balance water/sewer departments

**ELECTRIC FUND**

**9.**

**Expenditures**

31-72-7230-5300-0770 Electric - Unemployment Compensation	\$ -	\$ 364	364
31-00-9990-5300-0000 Electric Contingency	<u>220,000</u>	<u>(364)</u>	<u>219,636</u>
	<u>\$ 220,000</u>	<u>\$ -</u>	<u>220,000</u>

To fund unemployment claims

**9.**

**Expenditures**

31-72-7230-5300-4501 Electric - Service Contracts	\$ 156,500	\$ 9,084	165,584
31-00-9990-5300-0000 Electric Contingency	<u>219,636</u>	<u>9,084</u>	<u>228,720</u>
	<u>\$ 376,136</u>	<u>\$ 18,168</u>	<u>394,304</u>

To fund salary study as approved at the February 6, 2024 council meeting

**8. Expenditures**

30-71-7200-5100-0200 Water Plant - Salaries & Wages	\$ 471,200	\$ 57,000	528,200
31-72-7230-5300-1201 Electric - Legal Fees	0	3,000	3,000
31-72-7230-5300-4402 Electric - Misc.	-	8,547	8,547
31-00-9990-5300-0000 Electric Contingency		(11,547)	(11,547)
30-71-7200-5300-1300 Water Plant - Utilities		\$ 14,900	14,900

30-00-9990-5300-0000 Water/Sewer Contingency	<u>228,720</u>	<u>(71,900)</u>	<u>156,820</u>
	<u>\$ 699,920</u>	<u>\$ -</u>	<u>699,920</u>

To fund salary study/ increased chemical cost and to balance other water department accounts

**10. Expenditures**

31-72-7230-5300-1000 Electric - Debt Collection Fee	\$ -	\$ 20	20
31-00-9990-5300-0000 Electric Contingency	<u>-</u>	<u>(20)</u>	<u>(20)</u>
	<u>\$ -</u>	<u>\$ -</u>	

To fund Penn Credit Debt Collection Cost

**12. Expenditures**

31-72-7230-5300-4800 Electric - NCEMPA/Non Demand	\$ 12,450,000	\$ (7,256,200)	\$ 5,193,800
31-72-7230-5300-4801 Electric - NCEMPA/Demand	-	6,100,000	6,100,000
31-72-7230-5300-4802 Electric - NCEMPA/Debt	<u>-</u>	<u>1,156,200</u>	<u>1,156,200</u>
	<u>\$ 12,450,000</u>	<u>\$ -</u>	<u>\$ 12,450,000</u>

To redistribute electric power purchase budget into specific categories

**1. Revenue**

46-75-3870-3870-0313 Transfer GF-Hastings House Repairs	<u>\$ -</u>	<u>\$ 30,000</u>	<u>\$ 30,000</u>
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**Expenditures**

46-60-6200-5700-7409 Hastings House Repairs	<u>\$ 178,674</u>	<u>\$ 30,000</u>	<u>\$ 208,674</u>
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Fund additional Hastings House Repair as approved by Council at the 5/13/2024 council budget meeting

**1. Revenue**

46-75-3870-3870-0311 Transfer GF-Fire Truck	<u>\$ 300,000</u>	<u>\$ 70,000</u>	<u>\$ 370,000</u>
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**Expenditures**

46-20-5300-5700-7406 Fire Truck Replacement	<u>\$ 900,000</u>	<u>\$ 70,000</u>	<u>\$ 970,000</u>
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To partially fund fire truck replacement

**1. Revenue**

51-20-3800-3800-0000 Johnston County Contribution/1st Responders	<u>\$ 23,000</u>	<u>\$ 173,000</u>	<u>\$ 196,000</u>
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**Expenditures**

51-76-5320-5500-9100 Contribution to General Fund	<u>\$ 239,000</u>	<u>\$ 173,000</u>	<u>\$ 412,000</u>
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To fund three (3) new firefighters positions effective January , 2024, using additional 1st responders proceeds from Johnston Co.

b. Year-End Project and Purchase Encumbrances for 2023-2024

**ENCUMBRANCES FROM 2023-2024 TO 2024-2025**

**GENERAL FUND**

10-10-4100-5700-7400	General Government - Capital Outlay (Town Mgr Office)	\$ 15,000
10-10-4110-5300-3306	Non-Departmental - GF Salary Adjustments	32,871
10-10-4110-5300-5718	Non-Departmental - Approved Downtown Projects (DSDC)	10,000
10-61-4110-5300-5710	Non-Departmental - Economic Development	61,380
10-61-4110-5300-5712	Non-Departmental - S.H.A.R.P Reimbursements	-
10-10-4200-5700-7400	Finance Department - Capital Outlay (Chairs/Collection Window)	1,200
10-10-4300-5700-7400	IT Department - Capital Outlay (Phone System)	40,000
10-10-4900-5300-4502	Planning - Condemnation	31,775
10-10-4900-5700-7400	Planning - Capital Outlay	-
10-60-5500-5300-3440	General Services - Appearance Commission	5,048
10-30-5600-5300-7300	Streets -Sidewalk & Curb Repair (NCDOT Sidewalk Agreement)	158,000
10-30-5600-5700-7400	Streets -Capital Outlay (I95 Bridge Lighting)	95,000
10-40-5900-5300-3310	Storm Water Drainage	-
		<u>\$ 450,274</u>

**WATER FUND**

30-71-7220-5700-7400	Water Dist/Sewer - Capital Outlay (Phone System)	\$ 16,700
30-71-7220-5300-5710	Water Dist/Sewer Coll. - Economic Development	283,252
		<u>\$ 299,952</u>

**Electric FUND**

31-72-7230-5300-5710	Electric - Economic Development	\$ 108,252
31-72-7230-5700-7400	Electric - Capital Outlay (Phone System)	16,700
		<u>\$ 124,952</u>

**J.B. GEORGE BEAUTIFICATION FUND**

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

c. Year-End Purchase Order Encumbrances for 2023-2024

G/L ACCOUNT	ACCOUNT DESCRIPTION	DEPARTMENT	VENDOR	PO#	AMOUNT
10-20-5300-5300-1700	Equip Maint & Repair	Fire Dept	Pine Environmental Services	20242638	\$ 1,592.00
10-20-5300-5300-1700	Equip Maint & Repair	Fire Dept	Atlantic Emergency Solutions	20242639	\$ 2,499.27
10-60-5500-5300-3430	Tree Trimming	Public Works	Bobby Randy Best	20242511	\$ 2,150.00
10-60-5500-5300-3440	Appearance Commission	Public Works	Bartlett Tree Experts	20242527	\$ 8,000.00
10-30-5650-5700-7400	Capital Outlay	Garage	Griffin Garage Doors	20242566	\$ 10,700.00
10-60-5500-5300-3440	Appearance Commission	Public Works	Swift Creek Nursery	20242567	\$ 1,005.00

10-40-5900-5300-3310	Drainage	Stormwater	Stuckeys Backhoe Service Inc	20242602	\$ 3,850.00
10-30-5700-5300-7300	Sidewalk, Curb & Gutter Repair	Powell Bill	David Hinton Construction Co	20242604	\$ 1,600.00
10-40-5900-5300-3310	Drainage	Stormwater	Stuckeys Backhoe Service Inc	20242614	\$ 45,419.00
10-40-5900-5300-3310	Drainage	Stormwater	Stuckeys Backhoe Service Inc	20242615	\$ 55,350.00
10-40-5800-5300-3100	Vehicle Supplies/ Maint	Sanitation	Evans Tire & Automotive Center Inc	20242617	\$ 6,558.00
10-20-5100-5700-7400	Capital Outlay	Police Dept	Communications International Inc	20242041	\$ 12,819.96
10-20-5100-5700-7400	Capital Outlay	Police Dept	Craigs Firearm Supply Inc	20242643	\$ 31,766.05
10-10-4100-5300-4501	Service Contracts	Gen Gov	Robertson Miller Management	20242418	\$ 9,083.34
10-60-6200-5700-7400	Capital Outlay	Parks and Rec	Barrs Recreation LLC	20242047	\$ 8,751.64
10-60-6200-5300-1700	Equip Maint & Repair	Parks and Rec	Green Resource LLC	20242327	\$ 6,240.00
10-60-6200-5700-7401	Capital Projects (Pickleball Courts)	Parks and Rec	Uline	20242516	\$ 2,129.24
10-60-6200-5700-7400	Capital Outlay	Parks and Rec	Leonard Aluminum Utility Buildings LLC	20242537	\$ 7,547.98
10-60-6200-5300-1700	Equip Maint & Repair	Parks and Rec	TimeTechnologies Inc	20242564	\$ 920.00
10-60-6200-5300-1700	Equip Maint & Repair	Parks and Rec	Blade Equipment Inc	20242620	\$ 574.75
10-60-6220-5300-3300	Supplies/Operations	Parks and Rec	Advantage Sport & Fitness Inc	20242621	\$ 4,490.00
10-60-6200-5300-1700	Equip Maint & Repair	Parks and Rec	Sports Facilities Group Inc	20242622	\$ 4,482.10
10-60-6200-5300-1700	Equip Maint & Repair	Parks and Rec	Sports Facilities Group Inc	20242623	\$ 1,829.97
10-60-6200-5300-1700	Equip Maint & Repair	Parks and Rec	Rodney S Blackmon	20242624	\$ 3,651.23
10-60-6200-5300-3300	Supplies/Operations	Parks and Rec	Creative Caps	20242626	\$ 528.25
10-60-6200-5300-1700	Equip Maint & Repair	Parks and Rec	Green Resource LLC	20242628	\$ 2,000.00
10-60-6200-5300-1700	Equip Maint & Repair	Parks and Rec	Jose Manuel Munoz Solis	20242631	\$ 1,800.00
10-60-6200-5300-1700	Equip Maint & Repair	Parks and Rec	US Doorways Inc	20242632	\$ 3,685.00
10-60-6200-5300-3470	Amphitheater Projects	Parks and Rec	James Earp	20242653	\$ 3,000.00
					\$ 244,023.68
30-71-7220-5300-4501	Service Contracts	Water/Sewer	Robertson Miller Management	20242418	\$ 9,083.34
30-71-7220-5300-3300	Supplies/Operations	Water/Sewer	Core & Main LP	20242435	\$ 2,230.00
					\$ 11,313.34
31-72-7230-5300-4501	Service Contacts	Electric	Robertson Miller Management	20242418	\$ 9,083.34
31-72-7230-5300-3300	Supplies/Operations	Electric	Border States Industries	20242067	\$ 8,577.50
					\$ 17,660.84
45-71-7220-5700-7419	Lift Station Repair	Water/Sewer	McClungs Electric & Plumbing Co	20242562	\$ 3,500.00

45-71-7220-5700-7419	Lift Station Repair	Water/Sewer	Nixon Power Services LLC	20242598	\$ 1,614.55
45-71-7220-5700-7419	Lift Station Repair	Water/Sewer	Nixon Power Services LLC	20241908	\$ 9,614.58
45-71-7220-5700-7432	PS #11 And Outfall	Water/Sewer	Riverwild Construction LLC	20242483	\$ 3,571.50
					\$ 18,300.63
45-71-7200-5700-7411	East Smithfield Water System Improv	Water Plant	Sykes Environmental Engineering PLLC	20242534	\$ 11,610.00
46-60-6200-5700-7409	Hastings House Repairs	Parks and Rec	Maurer Architecture	20242171	\$ 21,153.87
46-40-5900-5700-7400	CSX Culvert Improvement	Gen Gov	CSX Transportation	20231138-R1	\$ 941,946.63
46-40-5900-5700-7401	CSX Culvert Improvement	Gen Gov	LJB INC	20242323	\$ 127,751.90
					\$ 1,069,698.53
47-72-7230-5700-7407	Voltage Conversion	Electric	Wesco Receivable Corp	20231047-R1	\$ 373,400.00
47-72-7230-5700-7407	Voltage Conversion	Electric	Alpha Plotter LLC	20242157	\$ 364,015.40
47-72-7230-5700-7407	Voltage Conversion	Electric	Border States Industries	202229275-R2	\$ 115,893.36
					\$ 853,308.76
				Total	\$ 2,247,070.15

2. Approval was granted to adopt Capital Project Ordinance No. CP-01-2024 closing out six Capital Projects.

*{Attached hereto and made a part of these official minutes is Capital Project Ordinance No. CP-01-2024. Which is on file in the office of the Town Clerk}*

3. Approval was granted to adopt six Capital Project Ordinances for grant funding received.

*{Attached hereto and made a part of these official minutes are Capital Project Ordinance No. CP-02—2024, CP-03-2024, CP-04-2024, CP-05-2024, CP-06-2024 and CP-07-2024. Which are on file in the office of the Town Clerk}*

4. Approval was granted to allow employees to donate accumulated sick leave hours to an employee in the Public Utilities Water/Sewer department

## Business Items:

### 1. Discussion regarding bidding of service contracts

Town Manager Michael Scott explained the request for a more informal bidding process for service contracts. He noted that while the town did not have a written policy, they had historically gone out for formal bids for at least 15 years, despite the state not requiring it. The current formal bidding process was costly and time-consuming, often resulting in only one bid. He proposed using a request for quotes (RFQ) process instead, which would allow for quicker and more cost-effective service contract procurement.

He clarified that this would not apply to professional services like architects or engineering firms, which are subject to different regulations (Mini Brooks Act). The new process would cover labor contracts such as HVAC maintenance and lawn care. Quotes would be solicited from reputable vendors and advertised on the town's website, with results presented to the council for decision-making.

He emphasized the need for a deadline to ensure fairness and prevent bias or dishonesty. The RFQ process would remain confidential until all quotes were received, similar to the current method. This would help prevent inflated pricing due to a lack of competition.

Council members asked questions to clarify the process, including the handling of bids after the deadline and maintaining the confidentiality of quotes. They emphasized the importance of fairness and transparency in the new process.

The council discussed the importance of setting a clear deadline for receiving quotes and agreed that all quotes should be submitted within this timeframe. They also discussed the legal requirement to avoid discriminatory practices and ensure equal opportunity for all potential vendors.

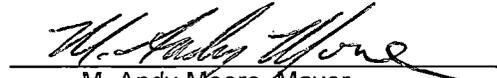
Councilman Barbour made a motion, seconded by Councilman Rabil, to approve the new informal bidding process as outlined, including the addition of a deadline requirement. Councilman Barbour, Councilman Rabil, Mayor Pro-Tem Wood, Councilman Stevens, Councilman Scott and Councilman Dunn voted in favor of the motion. Councilman Lee voted against the motion. Motion passed six to one.

**Adjourn**

Councilman Barbour made a motion, seconded by Councilman Dunn, to adjourn the meeting. The meeting adjourned at approximately 10:22 pm.

ATTEST:  
  
Shannan L. Parrish, Town Clerk



  
M. Andy Moore, Mayor