The Smithfield Town Council met in regular session on Tuesday, September 17, 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
Jeremey Daughtry, Fire Chief
Michael Sliger, Public Works Superintendent
Andrew Harris, Finance Director
Pete Hedrick, Chief of Police
Gary Johnson, Parks & Rec Director
Shannan Parrish, HR Director/ Town Clerk
Stephen Wensman, Planning Director

Also Present
Robert Spence, Jr., Town Attorney

Administrative Staff Absent
Lawrence Davis – Public Works Director

CALL TO ORDER

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

INVOCATION

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

APPROVAL OF AGENDA:

Councilman Barbour made a motion, seconded by Mayor Pro-Tem Wood, to approve the agenda as submitted/ amended as follows:

Add to the Presentations: 2. Presentation by Lumos Fiber

Remove from the Public Hearings: 2. Special Use Permit Request – Country Club TH (SUP-24-03): Brian Leonard (BRL Engineering) is requesting a special use permit for Country Club Townhomes, a 60-unit townhome development on 8.06 acres in the B-3 (Highway Entranceway Business District). The proposed development is located at the northwest intersection of South Brightleaf Boulevard and Country Club Road, identified by the Johnston County Tax ID#s 15J11023.

Unanimously approved.

PRESENTATIONS:

1. **Administering the Oath of Office to newly hired Police Officers**
Mayor Moore administered the Oath of Office to Sargent Matthew Parrish, Master Police Officer Stephanie Archino, Master Police Officer Kevin Johnson, Police Officer II Steven Gibson, Police Officer I Aubrey Banks, Police Officer I Brandin Bass, Police Officer I Kayla Taylor, Police Officer I Thomas McKay, Police Officer I Brandon Thornton and Police Officer I Austin Vojtko. He welcomed them to the Town of Smithfield.

2. **Presentation by Lumos Fiber**
Representatives from Lumos Fiber presented to the Smithfield Town Council to update on their fiber internet expansion project in Johnston and Harnett counties, a $50 million private investment. They announced that after coordinating with Town Manager Michael Scott and other team members over the past year, they were ready to start construction and deliver services in Smithfield.

   Senior Director Marlon Brown shared that the initial phase would focus on underserved areas in the town. To keep residents informed, Lumos would distribute mailers, door hangers, and place branded signs in neighborhoods, while their construction team would closely manage operations. Brown thanked Smithfield for being the first town to approve permits, allowing them to begin construction immediately.

   Lumos highlighted the benefits of their fiber services, noting that it offers symmetrical download and upload speeds, crucial for multiple streaming activities. They also stated that access to fiber could enhance property values and provide more internet options for residents, increasing competition. The council raised questions about service availability, price comparisons, and construction processes. Lumos responded with details on pricing tiers, fiber installation plans, and efforts to minimize environmental impact. They projected the project to extend into the second or third quarter of 2025 and assured the council that updates would be regularly provided.

   The council expressed interest in a schedule to inform residents about service availability, which Lumos agreed to provide, noting that their website also offers location-specific notifications.

PUBLIC HEARING:

1. **Rezoning Request – 606 South Third Street (RZ-24-08):** Syed Rizvi (New Vision Trust Custodian) is requesting the rezoning of 606 S. Third Street from R-8 (Single, Two, and Multi-family) to O/I (Office-Institutional). The property is located on South Third Street, 105 feet south of Rose Street and adjacent to the Armstrong Law Office.

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

Planning Director Stephen Wensman presented a rezoning request from applicant Syed Rizvi for a 0.23-acre residential lot adjacent to Armstrong Law Firm. The applicant sought to rezone the R8 residential lot to office-institutional (OI) zoning to allow for office use. Mr. Wensman noted that the Comprehensive Plan designated this property for medium-density residential use and discourages commercial uses in residential neighborhoods. He stated that the proposed rezoning was not aligned with the Comprehensive Plan.

The subject property did not meet the minimum lot width for OI zoning, which required 60 feet, as the lot was only 52.5 feet wide. Mr. Wensman explained that accommodating parking, buffer yards, stormwater management, and other code requirements would be challenging due to the structure's existing layout and proximity to the front of the lot. He illustrated that setbacks and buffer yards would significantly limit the building's footprint without variances.

Mr. Wensman suggested that conditional zoning would provide better clarity on the applicant's intentions and allow a more detailed review of the development's impact. He presented a consistency statement recommending denial, as the rezoning request was inconsistent with the Comprehensive Plan due to the nonconforming lot size and development limitations. He emphasized that the rezoning could lead to incompatible land use with surrounding properties. Consequently, planning staff recommended denial of the rezoning request, deeming it inconsistent with the Comprehensive Plan and not in the public interest.

<u>**Consistency Statement (Staff's Opinion):**</u>

- **Consistency with the Comprehensive Growth Management Plan** -*The map amendment is <u>NOT</u> consistent with the comprehensive growth management plan.*

- **Consistency with the Unified Development Code (UDO)** – *Because of the nonconforming lot size, it is not clear whether the site can be developed in accordance with the UDO addressing landscaping, buffers, stormwater, parking, dumpster screening, etc.*

- **Compatibility with Surrounding Land Uses** – *the map amendment may result in a development that is incompatible with surrounding land uses. Because of the narrow lot width, required parking for a new building would push the building toward the back of the lot, which may be incompatible with the adjacent residential uses.*

Planning Director Stephen Wensman has included all pertinent information in the September 17, 2024, agenda packet and provided it to the Council in written form.

Mayor Moore asked if there were any questions from Council.

Councilman Stevens inquired about the applicant's intentions, asking if the plan was to retain the existing residential structure for office use rather than tear it down, while noting that the current setbacks would not meet zoning requirements. Mr. Wensman clarified that, based on statements at the Planning Board meeting, the applicant seemed interested in reusing the existing structure rather than demolishing it, though either approach would face challenges due to the lot's limitations.

Councilman Stevens expressed that, while the location could be suitable given nearby offices and businesses, he wanted the zoning process handled correctly. He acknowledged that rezoning to OI would still result in a nonconforming lot. Mr. Wensman reiterated that staff recommended conditional zoning to provide clarity on the applicant's plans and ensure code compliance. He noted that staff had previously discussed this with the applicant, but no application changes were made.

Councilman Stevens highlighted parking as a concern, to which Mr. Wensman responded that the current lot dimensions posed challenges for accommodating parking. Mayor Andy Moore agreed that the lot offered limited parking space as it stood.

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

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

   Councilman Barbour made a motion, seconded by Mayor Pro-Tem Wood, to deny zoning map amendment, RZ-24-08, finding it inconsistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is NOT reasonable NOR in the public interest. Unanimously approved.

2. **Conditional Zoning Request – Buffalo Ridge (CZ-24-05):** 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. The property is located at 1041 Buffalo Road, north of Buffalo Creek on the west side of Buffalo Road.

Prior to opening the public hearing, Councilman Scott advised against reopening the public hearing, noting the council had already voted against this case on June 18, and that decision should stand.

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

Planning Director Stephen Wensman explained Stephen Wensman presented a development proposal on Buffalo Road near the Neuse River, detailing the layout, environmental considerations, and compliance with zoning and floodplain requirements. The proposed residential development included 10 lots with two entrances on Buffalo Road, connecting to Holland Drive, with sidewalks and trails planned throughout. Key updates since the last review included a 25-foot rear setback for lots backing up to Holland Drive, a 3-foot berm along Buffalo Road, architectural standards, and two stormwater ponds.

The project would involve elevating 64 lots in the 100-year floodplain to meet zoning requirements. Wensman noted that stormwater runoff would be directed to ponds designed to mitigate 10-year storm events. A traffic impact analysis (TIA) would be required due to concerns about increased traffic on Buffalo Road.

Further conditions included setbacks, minimum lot sizes, architectural standards, and an opaque vinyl fence along Buffalo Road and Holland Drive. Staff recommended approval with 12 conditions, addressing compatibility with the Comprehensive Plan and ensuring conformity with the Unified Development Ordinance (UDO). Wensman highlighted two modifications to the conditions, striking condition eight, as it was shown on the plans, and adding specifics for a vinyl fence and architectural standards in homeowners' association documents.

Consistency Statement (Staff's Opinion):

- **Consistency with the Comprehensive Growth Management Plan –** *The development is consistent with the comprehensive plan.*
- **Consistency with the Unified Development Code –** *The property will be developed in conformance with the UDO conditional zoning provisions that allows a good faith negotiation of development standards.*
- **Compatibility with Surrounding Land Uses -** *The property considered for rezoning will be compatible with the surrounding land uses with the additional conditions of approval.*

Planning Director Stephen Wensman has included all pertinent information in the September 17, 2024, agenda packet and provided it to the Council in written form.

Mayor Moore asked if there were any questions from Council.

Councilman Scott raised questions about changes to the development's conditions, noting a reduction from 17 to 12 conditions since the June 18th review, and inquired about the development's phased timeline from 2025 to 2030. Mr. Wensman confirmed these adjustments, explaining some conditions were incorporated into the drawings.

Councilman Scott emphasized the importance of addressing future traffic concerns, given Buffalo Road's proximity to schools and its expected increase in usage after Highway 42 completion.

Councilman Barbour requested clarification on the Planning Board's recommendation for a six-foot vinyl fence along Holland Drive. Mr. Wensman explained that while the Planning Board preferred a fence, preserving existing natural vegetation was also considered, as installing a fence might require removing trees and dense undergrowth.

Councilman Barbour discussed the adequacy of the current vegetation as a barrier, with mixed views on whether a fence or enhanced vegetation would better shield residents from the new development. Mr. Wensman noted the proposal to fill gaps in the natural growth with shrubs and smaller trees, though some council members expressed preference for a more immediate visual buffer.

Councilman Scott discussed stormwater management and floodplain considerations for the Buffalo Road development project. Councilman Scott questioned why stormwater ponds were now included when the project's impervious area didn't technically require them. Mr. Wensman clarified that although the project didn't meet the 24% impervious threshold for mandatory storm ponds, the developer voluntarily added two ponds to manage stormwater runoff, which would capture and slow the release of stormwater from the development.

Councilman Barbour noted that the addition of stormwater ponds might help mitigate existing runoff issues, potentially benefiting the area's flood resilience. Mr. Wensman confirmed that 62 of the lots would be elevated in the 100-year floodplain, with all runoff directed to the ponds, although the roads would remain at current elevation. Councilman Barbour stressed that potential buyers should be informed of flood risks affecting nearby roads.

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

Emma Gemmel, of 207 Hancock Street, raised concerns about Smithfield's growth direction, urging the council to prioritize fair treatment, transparency, and quality development. She highlighted issues with high-density projects, traffic congestion, and the need for proactive planning. She further suggested setting stricter standards for density, conducting thorough traffic studies, and creating a clear plan to manage growth sustainably, ensuring a better future for residents.

Mark Lane, a resident of Smithfield's ETJ area, expressed concerns about the lack of backyard screening in recent developments, which has led to numerous complaints. He noted that the Planning Board recommended a fence along Holland Drive to provide adequate separation from neighboring properties. Mr. Lane mentioned that, while the applicant suggested that the existing wooded buffer might be sufficient, the Planning Board kept the fence condition, as there was no visual representation of the buffer for review. He emphasized that if new property owners clear the wooded area, it would expose backyards, potentially diminishing privacy.

Rick Buckner of Cobblestone Court voiced concerns about approving new developments in flood-prone areas, questioning if proper due diligence was done to assess impacts. He highlighted the risks of increased flooding and traffic, noting recent accidents and potential loss of quality time due to longer commutes. Buckner urged the council to prioritize responsible planning, suggesting a pedestrian walkway under Buffalo Road if the development proceeds. He concluded by questioning the suitability of building in high-risk flood areas.

Attorney Rihanna Smith, representing the developer, addressed the council, emphasizing that significant changes were made to the development proposal to address community concerns. She noted that rezoning approval was required before investing in costly studies and assured that all required federal, state, and local standards would be met. Ms. Smith referenced Smithfield's growth management plan, noting the proposed development aligned with the future land use map's medium-density residential designation. She highlighted the developer's commitment to responsible building, compliance with traffic and environmental safeguards, and maintaining neighborhood aesthetics through HOA standards. Ms. Smith requested the council consider these points when voting, emphasizing the project's compatibility with Smithfield's growth plans and the increased lot sizes compared to prior plans.

Greg Stewart, project manager for the proposed development, explained his role in overseeing permitting, environmental testing, and compliance, working closely with planning staff to address issues. He assured the council that all work would meet regulatory standards set by agencies like DEQ and DOT, acting as final safeguards. Mr. Stewart acknowledged the council's preference for single-family homes over townhomes, prompting the developer to adapt the project design to meet the town's feedback, including adding architectural standards and varied lot sizes.

He highlighted that, while the minimum lot size was 6,000 square feet, many lots exceeded this, with an average size of 6,850 square feet. Mr. Stewart noted that detailed landscaping plans for the Holland Drive buffer would be refined once survey data becomes available. He emphasized the developer's commitment to work in good faith to create an effective buffer and offered their engineer, Scott Brown, to address any technical questions from the council regarding stormwater and design.

Scott Brown, engineer for the project, explained that the rezoning request was an early stage in the development process, with further steps such as a Traffic Impact Analysis (TIA) and detailed stormwater planning to follow if the project received approval. Although the project's impervious surface was below the threshold that required stormwater treatment, Brown confirmed that two stormwater ponds would be included to manage runoff as if the threshold had been exceeded. He addressed concerns about building in the 100-year floodplain, noting that development was allowed with adherence to elevation and insurance regulations. Mr. Brown acknowledged potential traffic and sewer capacity issues, stating that these would be addressed as the project progressed. He requested that the council consider staff and planning board recommendations along with recent adjustments to the proposal and offered to answer any further questions.

Councilman Scott asked engineer Scott Brown if there was an option to redirect water flow on the property to prevent it from draining towards Buffalo Road. Brown explained that current drainage patterns, which funnel water toward a low point rather than directly towards Buffalo Road, would be maintained as altering them could cause issues for downstream properties. He noted that the development would incorporate stormwater ponds to manage runoff from new impervious surfaces like rooftops and driveways, adhering to the town's stormwater guidelines even though the project is technically exempt. He emphasized that redirecting drainage patterns was not part of the development plan.

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

Pam Lampe, of 415 North Second Street, thanked the developers for recent improvements but requested that the council postpone its decision on the Buffalo Ridge subdivision until a comprehensive traffic study could be conducted. She highlighted concerns over the cumulative impact of approved developments, which would bring a total of 1,059 housing units to the area if Buffalo Ridge proceeds. Mrs. Lampe stressed that the influx of cars and students could overwhelm roads near three local schools, calling for a strategic traffic plan to ensure smooth and safe traffic flow. She raised specific questions about bus stop locations, potential infrastructure upgrades for school access, and whether additional turning lanes or signals would be required. She also inquired about the preliminary feedback from the Department of Transportation (DOT) and asked if the town would adopt the subdivision's roads, particularly given concerns about potential flooding.

Councilman Barbour asked if the Department of Transportation (DOT) accounted for future housing projections in their Traffic Impact Analysis (TIA). Stephen Wensman confirmed that DOT considered average growth and approved developments in their studies but typically excluded unapproved projects. Councilman Barbour suggested adding a condition requiring the developer to request DOT approval for a turn lane to address traffic concerns.

Attorney Smith, representing the developer, confirmed they would comply with DOT's recommendations but noted that final decisions on road improvements, such as turn lanes, would ultimately be made by DOT. Council members discussed the conditional rezoning process, with Town Attorney Bob Spence explaining that further details from DOT and other agencies would be addressed during the preliminary plat stage.

Mayor Andy Moore expressed concerns over off-street parking due to reduced setbacks, questioning whether all homes would have double garages to mitigate parking issues. The developer explained that varying garage sizes would allow flexibility without making all homes identical. Mayor Moore also emphasized the importance of safe traffic flow and confirmed that the subdivision's four access points—two on Buffalo Road and two on Holland Drive—met emergency service access requirements.

The council debated whether to impose additional traffic mitigation conditions immediately or revisit them after the TIA and preliminary plat review, with a focus on maintaining flexibility to address DOT's findings.

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

Councilman Barbour made a motion, seconded by Mayor Pro-Tem Wood, to approve zoning map amendment, CZ-24-05, with the 14 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.

Councilman Barbour, Mayor Pro-Tem Wood, Councilman Stevens and Councilman Dunn voted in favor of the motion. Councilman Lee, Councilman Scott and Councilman Rabil voted against the motion. Motion passed 4 to 3.

Conditions of Approval for CZ-24-05

1. That the future development plans for the project be in accordance with the approved Master Plan, R-8 Zoning District, and other UDO regulations with the following deviations:
   - Minimum lot width reduction from 70 feet to 50 feet.
   - Minimum lot area reduction from 8,000 sf. to 6,000 sf.
   - Front Setback from 30-feet to 25-feet.
   - Side Setback from 10-feet to 5-feet.
   - Rear Setback from 25-feet to 12-feet, except along Holland Drive properties where the setback will be 25-feet.
2. The minimum corner side yard setback shall be equal to the minimum front setback:
3. That a minimum 3' high landscaped berm with a 6-foot-high opaque vinyl fence be provided along Buffalo Road where back yards face the state road.
4. That the development plans be in accordance with WA-IV-CA Overlay regulations.
5. That curb and gutter and underground drainage be provided along Buffalo Road in accordance with NCDOT requirements.
6. Garages shall be no smaller than 12' x 22' in size.
7. A standard concrete driveway apron be provided for all residential driveways and the kiosk mailbox parking lot entrance.
8. A multi-purpose trail be provided that connects the buffalo Road trail through the open space and extends to the northern property line near lot 38.
9. That the architectural standards be incorporated in a homeowner's association (HOA) documents and include with the standards: a minimum of 1 window per side of each home, corner lots will be required to have no less than (2) windows on each visible side of the residence, and all garages shall have windows or decorative hardware.
10. That the open space amenities, kiosk, parking lot and stormwater management be owned and maintained by an HOA.
11. A traffic study shall be conducted in accordance with the Town's UDO and NCDOT requirements prior to preliminary plat approval.
12. That there be a 6-high opaque vinyl fence along the rear of Holland Drive lots.
13. That sewer capacity for the entire project be obtained from the County at the beginning of the project and not phased with the project.
14. That there would be no on-street parking throughout the subdivision.

CITIZEN'S COMMENTS:

- Lindsay Bean of Alpine court expressed concerns about the vacant property adjacent to her home.

CONSENT AGENDA:

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

1. Board Reappointments
   a. Monique Austin was reappointed to serve on the Board of Adjustment for a second term and a serve a first term on the Historic Properties Commission
   b. Jan Branch was reappointed to serve on the Historic Properties Commission for a sixth term
   c. Mary Nell Ferguson was reappointed to serve on the Historic Properties Commission for a fourth term
   d. Ashley Spain was reappointed to serve on the Planning Board as an ETJ member for a fifth term
   e. C. Andrew Byrd was reappointed to serve on the Recreation Advisory Commission for a second term.

BUSINESS ITEMS:

1. **Consideration and request for approval to appoint three new members to the Library Board of Trustees**
   Town Clerk Shannan Parrish informed the council that four applications were received for the library board, with only three openings available. She recommended appointing Mary Aker, Heidi Harris, and Megan Parrish, noting their relevant backgrounds in library and student services. Councilman Barbour expressed agreement with the recommendations

   Councilman Barbour made a motion, seconded by Councilman Scott, to appoint Mary Aker, Heidi Harris and Megan Parrish to the Library Board of Trustees. Unanimously approved.

Closed Session: Pursuant to NCGS 143-318.11 (a) (6)
Mayor Pro-Tem Wood made a motion, seconded by Councilman Dunn, to go into Closed Session pursuant to the aforementioned statute. Unanimously approved at approximately 9:24 pm.

Reconvene in Open Session
Councilman Barbour made a motion, seconded by Councilman Stevens, to reconvene the meeting in Open Session. Unanimously approved at approximately 9:43pm

Pay and Classification Study Update
Town Manager Michael Scott provided the Council with an update on the Pay and Classification Study. He explained the process of the study and how each position was evaluated based on a factoring system. He outlined the potential salary increases with an implantation date of January 1, 2025. He recommended a 2% salary adjustment increase for all employees who did not receive a salary increases on July 1, 2024. The Town Manager outlined the financial impact to the overall budgets of the General Fund, the Water/Sewer Fund and the Electric Fund.

The Council discussed the overall study, the impact to the budget and implementation of the potential salary increases. It was suggested that the Council implement the 2% salary increase effective September 23, 2024 and continue discussions on implementation of the pay and classification study salary increases.

Councilman Scott made a motion, seconded by Mayor Pro-Tem Wood, to implement the 2% salary adjustment increase for all employees that did not receive a salary increase on July 1, 2024 effective September 23, 2024. Unanimously approved.

Adjourn
Councilman Scott made a motion, seconded by Mayor Pro Tem Wood, to adjourn the meeting. The meeting adjourned at approximately 10:55 pm.

TOWN OF SMITHFIELD SMITHFIELD APRIL 23, 1777

M. Andy Moore

M. Andy Moore, Mayor

ATTEST:

Shannan Parrish

Shannan L. Parrish, Town Clerk