

The Smithfield Town Council met in regular session on Tuesday, October 15, 2024 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:

Mayor Pro-Tem Roger Wood
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
Elaine Andrews, Town Clerk
Ted Credle, Public Utilities Director
Jeremey Daughtry, Fire Chief
Lawrence Davis, Public Works Director
Andrew Harris, Finance Director
Pete Hedrick, Chief of Police
Gary Johnson, Parks & Rec Director
Shannan Parrish, HR Director
Stephen Wensman, Planning Director

Also Present

Robert Spence, Jr., Town Attorney

Administrative Staff Absent

CALL TO ORDER

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

INVOCATION

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

APPROVAL OF AGENDA:

Mayor Pro-Tem Roger Wood made a motion, seconded by Councilman John Dunn, to approve the agenda as submitted. Unanimously approved.

PRESENTATIONS: None

PUBLIC HEARING:

- 1. Conditional Zoning Request –Finley Landing Revision (CZ-24-06):** Carolina Land Group, LLC is requesting a rezoning of 47.8 acres within the Finley Landing (formerly Floyd Landing) development. This area was previously proposed to have 360 apartment units, and the revision is proposing 168 townhouse units in place of the apartments. The Finley Landing development is located along US Hwy 70 Business across from the Amazon Warehouse. This property is further identified by Johnston County Tax ID# 15077035H.

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

Planning Director Stephen Wensman explained that the property was formerly called Floyd Landing, but they have renamed it to Finley Landing. Wensman stated that they are looking at 47.8 acres that used to be the planned apartments portion of the development. He stated with the proposal there will be 3,724 lineal feet of road. The developers are looking for an alternate plan as they may or may not build the apartments as already approved. The original plan for that 47.8-acre area was for 360 3-story garden style apartment units. The alternate plan, if approved, will have 168 townhouse 2 and 3-story units fronting on a 50-foot-wide public right-of-way. In the alternate plan, the pool house, swimming pool, vehicle maintenance and car wash amenity have been eliminated.

Wensman stated the alternate plan keeps the tot lot and dog park. The developer proposes to provide 128 auxiliary parking stalls in parking lots throughout the development. The apartments will be 19 and 20 foot wide with each unit having a single car garage. There will be 27-foot-wide back-to-back streets with curbing to match the previous approval. Wensman stated that the developer is proposing 50-foot-wide public right of ways as opposed to the standard of 60 foot wide. Wensman pointed out the plan that was originally proposed on the map provided to the Board. The original 360 garden-styled apartments had a pool house, a pool, dog park, tot lot, vehicle maintenance and private parking lots all on a private driveway with no public infrastructure other than water lines.

Mr. Wensman stated that the original plan for townhomes elsewhere in the development, currently under construction, included 2 story town homes with a maximum height of 35 feet in accordance with the R-8 standard. Those town homes were 22 feet wide for the interior homes and 24 foot wide on the end of the units to accommodate two car garages, built with similar materials as the other town homes, just two or three stories with different dimensions.

The Planning Director reiterated that the proposed townhomes associated with the master plan amendment

included 2-story and 3-story structures all with one car garages, all 3-bedroom units. He stated they were a maximum height of 40-feet, the interior lot area is 1900 square feet and that the perimeter lot area is 2100 square feet. He stated the minimum interior lot width proposed was 19 feet and the perimeter lot width is 20-feet. The front yard setback was 30 feet, which was what was proposed elsewhere in the development, and the minimum rear yard setback is 20-feet for the interior townhomes, and 15-feet for the perimeter townhomes.

Wensman stated there was a minimum 2 parking spaces per townhome on the lot, plus 128 auxiliary parking spaces on site. He stated the minimum driveway width was 9 feet, however the previous phase had 10-foot-wide driveways. He further stated that with the setback there was room for one car in the garage, one in the driveway with any overflow parking available in auxiliary parking lots. Both master plans used the same access points rather than a private driveway and a parking lot. There would be 3,724 linear feet of new public streets in 50-foot public rights of ways that are proposed. The streets will be 27-foot-wide back-to-back with sidewalks proposed on both sides of public streets. Wensman added that the garage doors would be 8-foot-wide doors, which are smaller but not as small as others in recent developments in town. Decorative street lighting and decorative signs would be installed by the developer at the site. Storm water management is consistent with the previous plan, they have the ponds in the same location, so drainage will be treated the same way. There will be a cluster mailbox in one of the parking lots near the main entrance.

Trash will be in rollout containers that need to be stored in garages or in rear yards. Water and sewer utilities will be the Town and electricity with Duke. Wensman stated landscaping requirements will be the same as in previous phases per the ordinance.

Wensman stated that the developer is asking for a 10-foot reduction in the right-of-way width from 60 feet to 50 feet. A 20-foot reduction in the distance between townhomes from 40 feet to 20 feet, which is consistent with what was approved elsewhere. He stated that the developers are also requesting a 5-foot increase in the maximum height for townhomes and driveway width from 12 feet down to 9 feet. He noted that staff is recommending 10 feet to be consistent with previous approval.

Wensman noted the developer's standards exceeding UDO requirements, sidewalks on both sides of the street. He also stated that the recreational amenities tot lot and dog park are all above standard but are less than what was previously approved in the master plan. He stated the similar buffers that were provided elsewhere in town are still in play, including the walking trail. Wensman outlined that staff finds that this plan is consistent with the comp plan, which supports flexibility in zoning regulations.

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

RECOMMENDATION:

Planning Staff recommend approval of the Finley Landing alternate plan, CZ-24-06, with the following condition, which codifies the changes in the standards, while highlighting the architectural standards the developer provided:

1. That the future development plans for the project be in accordance with original CZ-21-03 masterplan and conditions or as hereby amended as an alternate plan for the 47.8 acres area:
 - a. 10-foot reduction in public R/W width (50-foot public rights-of-ways) the streets with townhouses.
 - b. 20-foot reduction in the distance between townhomes (40-feet to 20-feet).
 - c. 5-foot increase in maximum height for townhomes in this area (35-feet to 40-feet).
 - d. 2-foot reduction in driveway widths (12-feet to 10-feet).
 - e. Architectural Standards (amended area only):
 - End units facing a public ROW must include a minimum of two (2) windows.
 - End units facing a public ROW must include screening landscaping the side yard.
 - Façade Treatment: May include a mix of siding types including lap siding, board & batten, shake, stone or brick. Each unit shall include a minimum of two (2) of these elements.
 - Landscaping: Each unit shall include a minimum of one (1) decorative tree and four (4) shrubs.
 - Garage Doors: shall contain decorate details or carriage style adornments
 - Garages are all single car with an 8-foot-wide door.
 - 2 and 3-story townhomes.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the October 15, 2024 agenda packet.

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

Councilman John Dunn asked what the proposed size of the units was. Wensman answered 19 and 20s wide, as opposed to 22 and 24 which you saw in the previous townhomes. Councilman John Dunn questioned the interior square foot and there was further question as to lot size. Wensman stated he will defer these type questions to the developer, who was present. Councilman David Barbour questioned where the mail kiosk would be located. Wensman pointed out that it was in the parking lot next to the main entrance and referred the councilman to the material he provided. Councilman David Barbour referred to the auxiliary parking lot, and inquired whether some of those spaces would be reserved spaces in front of the mailbox for residents to pick up

mail. Wensman said he imagined if the lots were all full then the town house association would need to do that would depend on whether the parking lot was partially or fully used as it is hard to know.

Councilman Travis Scott questioned whether the proposed on-site management has changed. Wensman stated that here there would just be an HOA. They would still have a maintenance crew for the common amenities, landscape maintenance, but not on the same level as you would have at an apartment complex.

Councilman David Barbour stated to follow up on what Councilman Travis Scott said, they were told that their intent was to own a certain number of those units that they would manage. He stated, so the question now is, are they still planning to own some of the units as rental units or are they going to sell them. He stated that if they sell to someone who is going to rent, there is nothing they could do about it, but asked if they plan to have a presence there in any capacity. Wensman deferred the question to the developer because it's not really a zoning issue as much. Councilman David Barbour stated that consideration would affect whether they approve it or not as to whether the Board thinks it's appropriate. Wensman stated sure, but that he did not have the answer to that.

Mayor Andy Moore asked the developer to come up at this time so that the Board could ask questions directly.

Joe Faulkner with the CE Group, 301 Glennwood Ave, Raleigh appeared before the Board to discuss the project.

Mr. Faulkner stated that one of the reasons for the change is that the current environment for multi-family lending is a little more challenging than it was when they originally started the project. That coupled with the interest from the current builder out there who wanted to be able to provide another product at another price point, a little lower than what they were hitting on the others. He stated that is one of the reasons for going down to a little bit smaller size, going to a single garage only and things of that nature. Mr. Faulkner clarified the square footage. He stated there were two different products--one product would have a square footage of 1,858, and the other product has 1,581 square feet of size. They would all be 3 bedrooms with access from below. He confirmed with Councilman David Barbour that they typically do mark off about 5 to 6 of those spaces up front as 5-minute parking to accommodate for mail pickup. He noted that he thought the parking was distributed very well for all the units to access and for extra cars for neighbors or visitors.

Councilman Stevens asked what the reason for the 10-foot reduction in public right-of-way. Mr. Faulkner stated the wider right-of-way was just more area, so what they propose brings the sidewalks a little closer in to give 30 feet from the sidewalk back to the unit for parking. He stated most residents should be able to park two cars without using the garage. He stated even though they had the reduced right of way, they still have the larger front setback. He stated it's really a matter of where the property line exists. Planning Director Stephen Wensman added that the developer is proposing to make the driveway a little bigger, a bit longer.

Councilman David Barbour stated that one of the appeals to him was the overall concept of people who came in as single people living in the apartments, they got married and moved into townhomes and as they got families they moved into a house as a progression through the neighborhood. He made reference to the appeal of three-bedroom townhomes for single people and questioned whether the developer's strategy was now a little different.

Mr. Faulkner stated again that if the lending environment was different, it would all be relative unfortunately, but now the thought process is to get a lower price point to attract younger homeowners to the 19- or 20-foot unit versus the 22- or 24-foot unit. He stated there was interest to the builder for this product. He stated similar products are moving pretty good.

Mayor Andy Moore questioned whether it would be the same builder building the single-family homes to build the townhomes. Mr. Faulkner replied, yes, in the current phases, and they believe it will be the same one here. Mayor Andy Moore questioned who the builder was. Mr. Faulkner stated Lennar.

Councilman Stevens stated that the reason why he got involved with this project was to shape town growth to attract young people to this area to grow and raise families. He stated he liked the idea of the development having a pool, which would be an attraction to the young crowd. Mr. Faulkner stated that typically with a development of this size, because of the cost and who actually uses the pool that the pool usage is lower than what one may think. He stated you have to have it when you have apartments, but when you go with single family homes and town homes they are not as desirable anymore. Faulkner said pools are relative to HOA fees each month and the consideration for a pool is part of keeping cost down. Mr. Stevens stated he understood they are worried about cost, but he's concerned with getting the project right. They have already seen one plan that shows one thing, and now review is requested for a give and take. He further stated he likes this process, but he really likes the idea of having a neighborhood with a pool in town to attract people to this area because there are not many options for that.

There was further discussion between Mr. Faulkner and the Board regarding the pool as it pertains to building one for rental units versus one for units for sale. Councilman Stevens said he liked the idea of amenities put in place to attract a younger crowd. Mr. Faulkner expressed that the pool was only for the apartments and not for the development as a whole. Mayor Andy Moore questioned whether that was stated in the previous proposal.

Councilman John Dunn questioned what the original price point was for the original townhomes versus the smaller townhomes proposed. Mr. Faulkner stated he did not have that exact number. He added that the square footage was lower, so the price point would be lower. He also stated that all the finishes and architectural standards were the same.

Mayor Andy Moore questioned if they were requesting to retain the option to still build the apartments. Mr. Faulkner stated this was correct. Mayor Andy Moore asked if the Board approved this, would they come back and want to do both. Mr. Faulkner stated he didn't think there was an option for both relative to the size of area that they have that is developable. He stated it would be a one or the other, and not a combination. He further stated that they are fine with that as a condition.

Councilman David Barbour questioned whether there was any area designated for open space park area for children too old for the tot lot. Faulkner pointed out areas in the development that could be green space. Councilman David Barbour stated that he would encourage the builder to designate the play space for older kids.

The Board had general discussion regarding the layout of the development.

Attorney Bob Spence asked what they do with all the wetland. Faulkner stated that it all remained designated in perpetuity as green open space, and it will be recorded that way.

Councilman John Dunn stated before this and the apartment, there was basically going to be a parking lot that was maintained by the developer and homeowners. Now this will be public roadway that will be turned over to the Town for maintenance. Mr. Faulkner affirmed with the exception of the private parking lots, which will still be maintained by the HOA.

Attorney Bob Spence questioned if the plans showed 33 feet from the sidewalk to the front of the townhouses. Faulkner agreed. Wensman reiterated that the driveway is 33 ½ feet long outside of the sidewalk. Mayor Andy Moore stated the 30-foot setback is our requirement and no different. He asked about the impact of the 60-foot-wide right-of-way being reduced to 50 feet.

Planning Director Stephen Wensman replied right-of-ways in towns are crucial for accommodating various utilities and future projects. Wider right-of-ways are preferred as they simplify the installation and maintenance of utilities like fiber optics, minimize disruption when working around existing infrastructure and trees, and leave room for potential future developments. Narrower right-of-ways, on the other hand, can complicate utility management and restrict options for future town improvements, such as tree planting programs.

Mayor Andy Moore asked even if it were 50 feet could the Town still not build in that area. Wensman answered no.

Councilman John Dunn asked how wide would the street be in that right of way? Wensman stated that the street was 27 feet wide back-to-back, consistent with Town standard. Councilman John Dunn asked if it was the same in the other part of the community. Wensman answered yes. He further explained that the driveway is 30 to 33.5 feet long from garage to sidewalk. In the first phase of townhouses, they moved the sidewalk closer to the curb to try fitting two cars in the driveway, one behind the other.

Councilman Stevens asked Wensman what the benefit was of reducing the right of way. Wensman stated more land to develop if roads were pushed out further but that there was only so much space given the lay of the land.

The developer, Joe Faulkner, stated that the peninsula area has more compacted slopes. The 50-foot right-of-way is usually chosen for local roads in subdivision, and the 60-foot right-of-way typically used for collector roads. The decision aligns with standard practices in similar developments.

Mayor Andy Moore expressed concerns about replacing apartments with townhouses, also with losing approved amenities like the pool, dog park, and tot lot. There was discussion on whether these amenities were meant for the entire subdivision or just the apartments. Planning Director Stephen Wensman replied that there were dog parks and tot lots elsewhere in the development in addition to the ones at this development and that they have retained this one in addition to the others in the development. Mayor Andy Moore questioned whether the dog park and tot lot that was in this area when originally proposed would be for the use of the entire subdivision and not just the apartments. Wensman replied that only those units would be using those facilities. Mayor Andy Moore questioned how that could be controlled. Wensman stated you probably can't control it. The developer, Faulkner, stated regarding the pool the residents typically needed a fob to gain entry.

Councilman Stevens voiced disappointment with project changes, noting initial approval was based on high-quality apartments and amenities. He expressed concern about scaling back due to market conditions, emphasizing his belief in Smithfield and Johnson County's growth, despite market fluctuations he is confident units will be filled. Councilman Stevens expressed understanding of market challenges and increased costs affecting businesses. He acknowledged the developer's need to adapt but voiced concern that cost-cutting measures might compromise the quality of living for potential Smithfield residents. Stevens emphasized the importance of attracting people to Smithfield with high-quality offerings. Despite reservations, he indicated acceptance of the revised proposal as a happy medium solution. The Developer Joe Faulkner asked Councilman Stevens if he'd rather have rental units. Councilman Stevens replied that there was a big need for that too, but he is looking for a happy medium solution.

There was general discussion among the board about how investors are turning developments like these into rental units across other communities.

Councilman Travis Scott asked if the change in the structure to five feet taller would have any impact on the airport. Wensman stated he didn't see it as an issue. Scott asked if the point of the garage door defined the point of setback, or whether it was the whole front of the house. Wensman answered the whole front of the house, at the foundation.

There was general discussion among Wensman and the Board clarifying the minimum 30-foot setback point. Wensman stated that it could encroach as much as three feet where an awning, steps or an open sided stoop was concerned.

Councilman David Barbour asked for clarification of the type of materials approved for the development, referencing the detailed standards and wanting the Town to be pickier about having a nicer looking development, albeit smaller. Wensman stated the same approved materials as previous townhouses same mix of materials

in different sizes. Wensman stated materials are the same, only narrower with a one car garage instead of a two-car garage on the end units.

Mayor Andy Moore wanted clarification for the number of single-family homes and the number of townhomes that were proposed when the Board looked at the development the first time. Developer Joe Faulkner answered 87 single family homes and 369 townhomes total, but that the new proposal has a huge reduction in density with only 220 townhomes proposed.

Councilman Stevens stated while he appreciated the process and that the development would be less dense, that he was concerned that the Town was being asked to settle for town homes that will be rentals based on what is seen now.

There was general discussion among the board regarding the size and layout of the originally proposed units compared to the new proposal.

Councilman Stevens asked if there was any record of the number of townhomes sold in Smithfield, and how many of those units turned into rental units, or if they are single family residences. Planning Director Stephen Wensman stated they did not track ownership and did not have that information. Councilman David Barbour stated that when the development was approved, it was stressed the Townhomes be family dwellings and not more rental units. He asked Wensman if they could find out for future reference to take into consideration on future developments Wensman stated it could be researched by ownership versus utility billing.

Councilman Travis Scott asked the developer, in his experience, what percentage of townhome apartments end up rental units. Faulkner stated it usually takes years and going through the first level of ownership for that to happen, and it depends on the location. He said it also depends on the covenant of the development to require at least a 12-month lease and no Air BNB short term rentals. Scott asked if he could guarantee that the 12-month lease was a covenant of this development. Faulkner stated yes, it was typically when you have problems when it's not apart of the covenant. Wensman stated that the covenant could be adopted to limit short term rentals, but that it was not necessarily standard, and that he could not clarify that it was in the covenant.

Councilman Stevens stated that he understands there's a need for rentals, but he expressed concern about what developments would look like fifteen years from now and how much the Lenars of the world would care. Mr. Faulkner stated that it could be put as a condition of the development that they make sure that, if there is not already an existing covenant, there be one for this section.

Councilman Travis Scott asked Mr. Faulkner if the Board did not approve the development, what was his contingency plan. Mr. Faulkner stated that the proposal is not intended to eliminate apartments entirely, but rather to adjust the plan based on financial considerations. He explained that there is significant interest from multiple builders in the townhome product, not just from the current builder. This interest is substantial enough to justify reducing the number of units significantly, which he acknowledged as a major trade-off. He also pointed out that committing to apartment construction represents a large financial investment that may not be feasible in the current market. Faulkner stated that if the townhome proposal is not accepted, they may need to return at a later time with an alternative plan that is more acceptable to the council.

Councilman Stevens stated that he like the idea of the apartment complex, stating the need to attract the younger citizens who do not need a three-bedroom townhome. He asked if there was anything the Board could do for the developer to make that development more palatable to keep the apartments as part of the development. He further stated this would be more of a progression for young families who may as a result stay in Smithfield longer.

Joe Faulkner, the developer discussed the financial drawbacks of interest rates today with regard to borrowing. Mayor Andy Moore stated he and the Board were more concerned with the mix of housing in the Town. He stated he was not opposed to the townhomes, but 70 percent of the new construction in Smithfield was townhomes. He also expressed concern for the percentage of single-family homes versus townhomes in the development, citing it was unbalanced.

Councilman Stevens agreed that we need a mix of housing in Town. He stated he was pleased with the development as initially presented, but he was concerned that Smithfield is getting less and less affordable. He stated that if the only thing we are able to offer is townhomes, due to the market changing we may be lowering our standards. Faulkner stated it was not a lowering of standard, but a lowering of expectation of product due to the market changing to be geared toward young ownership with this product.

There was some discussion among the board regarding the price point of the townhomes in Franklin Townhomes.

Councilman Travis Scott asked why the new proposed development would not include single family homes. Mr. Faulkner stated it was due to the density of the development as well as the grading was not conducive to mix with single family homes.

Mayor Andy Moore asked if there were any further questions from Council.

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

Angie McClure of 4982 Swift Creek Road stated that she is a long-time Smithfield resident and farmer. She addressed the town planners with gratitude and concern. She thanked them for their efforts in shaping the town's future while expressing worry about the impact of rapid growth on local farms. McClure, whose family has deep roots in the area, urged careful consideration of how development decisions affect long-standing residents. She specifically mentioned the expansion of Johnson Regional Airport as an example of changes affecting the community. She emphasized the challenge of balancing progress with preserving traditional farm life in

Smithfield. She stated she hoped that the voices and concerns of her, her neighbors and other constituents will be taken into consideration for future developments. She further expressed concerns about not being able to vote for representatives who make decisions for her community due to living in the ETJ.

Mayor Andy Moore asked if there were any other concerns. There were no further comments from the audience. Moore commented that his concern was parking along the street with the availability of only one one-car garage at each unit. He stated due to that reason he would like to see the larger 12-foot driveways. He conveyed to the Board the current price point of Franklin Town Home units, which were similar in size to the town homes in the Finley development, as well of the number of properties that were pending and sold. Councilman David Barbour noted that there were still plenty more units scheduled to be built in the development.

There were no further comments on the matter.

Councilman John Dunn made a motion seconded by Travis Scott to close the public hearing. Unanimously approved.

Councilman John Dunn made a motion, seconded by Councilman Stevens that the Board deny the request of alternate plans for Finley Development CZ-24-06. Unanimously approved.

CITIZEN'S COMMENTS:

Mayor Andy Moore asked if there were anyone in the audience who would like to speak for Citizen's Comments.

There were no citizen comments.

Mayor Andy Moore stated he would move on to the Consent Agenda.

CONSENT AGENDA:

Councilman David Barbour made a motion, seconded by Councilman John Dunn to approve the consent agenda. Unanimously approved.

1. Minutes
 - a. August 13, 2024 – Regular Meeting
 - b. August 13, 2024 – Closed Session
 - c. August 20, 2024 – Regular Meeting
 - d. September 3, 2024 – Regular Meeting
 - e. September 3, 2024 – Closed Session
2. Special Event: Circus Under the Big Top – Approval was granted to allow Hanneford Circus to operate a circus at 1025 Outlet Center Drive from October 25, 2024 until November 3, 2024 from 1:00 pm until 9:00 pm. Amplified sound was approved for the events.
3. Special Event: Trunk of Treat – Approval was granted to allow First Baptist Church to hold an event at 202 South Fourth Street on October 27, 2024 from 4:00 pm until 6:00 pm. The closure of East Johnston Street between South Fourth and South Fifth Street and one food truck were also approved for this event.
4. Approval was granted to promote the Payroll/Accounts Payable Technician II to the position of Town Clerk.
5. Approval was granted to promote a Street Maintenance Worker to the position of Sanitation Equipment Operator.
6. Approval was granted to authorize the purchase of two used vehicles from Asia Motors in the total amount of \$65,000 for the Police Department
7. Approval was granted to award a contract to Timmons group in the amount of \$49,500.00 for design services for the South Smithfield Water Line Extension Project.

BUSINESS ITEMS:

1. **Consideration and request for approval to pursue a Congestion Mitigation & Air Quality Improvement (CMAQ) grant for sidewalks on the west side of Venture Drive from Outlet Center Drive to Peedin Road**

Planning Director Stephen Wensman addressed the Council to a request approval to pursue CMAQ funding for a \$1,000,000 grant with a Town 20% match, which is an estimate. He stated the purpose for funding would be to build a CMAQ funded for sidewalks to be installed on the west side of Venture Drive from Outlet Center Drive to Peedin Road.

Councilman David Barbour asked if this would be a sidewalk or a multipurpose path. Wensman stated this was correct. Barbour asked weren't sidewalks there already. Wensman stated there were sidewalks up to Peedin Road, but if you go from Peedin Road all the way down to Outlet Center Drive there were no sidewalks. Wensman further clarified where the sidewalks began and ended to the Board. He added that extra dollars were included in the estimate to make it a safe crossing, and that the details would be worked out once funding was received.

Mayor Andy Moore asked why there were no plans for sidewalks down Outlet Center Drive near hotels where needed. Wensman cited issues with limited right-of-way, where the roads and the ditches eat up all the right-of-way. Wensman stated due to that fact, it may be a much more expensive project.

Councilman David Barbour asked about also installing crosswalks, having concern for access without J-Walking. Wensman said he had no answer for that right now.

Mayor Andy Moore asked about further development along that property, and questioned whether a future developer could bear the cost of installing sidewalks. Further if there was a plan in place to recoup funds for installing sidewalks on property available for future development. Councilman John Dunn questioned if there could be a fee for future developers in lieu of sidewalks. Mayor Andy Moore stated we have time to look into that as a possibility.

Councilman David Barbour asked why the proposed sidewalk was not on the other side of the road where the businesses are, noting no developments near the pond. Wensman stated that sidewalk installation on the other side of the street would be a much more expensive project with a larger cost share to the Town, but it's up to the Town whether to do so. Wensman also stated if the Town moved forward with the grant, he would get alternative estimates for other locations, then change the design to ask for the greater amount of money to cover the costs.

Councilman John Dunn asked if it would make sense to look at things from an easement perspective as to which easements would be easier. Wensman stated that this was considered.

Councilman Travis Scott spoke about the need for the Town to look at how to connect Venture Drive to Equity, stating it needs to be connected. Wensman stated that there was undeveloped land owned by the hotel that is next to the pump station that may be used for that purpose in the future. He stated the Town may have to buy it to do a right of way through there. Councilman Travis Scott stated it would alleviate some of the congestion on Outlet Center Drive if those major intersections were connected.

Councilman David Barbour asked if the Board approved the item today does it mean that changes cannot be made. Wensman stated he would go back and get a cost estimate for the more expensive project, and if the Town gets the money, they could go through the design phase and determine what we want to do. Councilman David Barbour stated he understood, and did not want the Town to lose the chance at obtaining the funding.

Councilman Travis Scott asked if it would be due by budget year next year, and if not, where would the Town pay for the project out of the current budget. Town Manager Mike Scott stated that it would have to come out of fund balance, that we have funds from the American Rescue Plan funds that were not appropriated. A little over a million dollars went into fund balance a couple of meetings ago, so that money is there.

Councilman Travis Scott made a motion, seconded by Councilman John Dunn to approve for the request. Unanimously approved.

2. Consideration and request for approval to award a bid to David Hinton Construction in the amount of \$37,456.00 for the replacement of brickwork with stamped concrete in the 200 and 300 blocks of Market Street

Public Works Director Lawrence Davis addressed the Council. He stated that three contractors were contacted for the project. The initial pricing was incorrect, necessitating a rebid. The revised estimate is \$37,456. If approved, the work will take approximately two weeks, completed in four phases. Phase 1 and 2 will cover the 200 block of the south side of Market Street to the 300 block of Front Street, lasting about a week. Phases 3 and 4 will address the 300 block of North Street from Market Street to the 200 block at Wells Fargo Bank. He further stated that the project involves removing existing bricks and planters, which have caused trip hazards, and replacing them with stamped concrete. The concrete will be poured 6 inches deep to withstand vehicle stress, despite efforts to prevent curb parking. Ideal pouring temperature is 75 degrees or higher for faster setting. Businesses will be notified of work dates, and parking spaces will be blocked during construction. DOT has been contacted as the affected street falls under their jurisdiction. Davis stated that Parking spaces will be blocked during construction. DOT confirmed no encroachment agreement is needed for sidewalk repair, but lane closures must meet NCDOT standards. Dalton Langston, Assistant District Engineer for divisions 4 and 3 in Johnson and Wayne Counties, provided this information. The project is proposed for late May or early June to take advantage of hot weather for concrete setting. Earlier completion was not possible due to pricing issues.

Councilman John Dunn asked for clarification of which planters would be removed. Davis clarified that the bricks around the planters would be removed, the ones near the trees with the up lights, not the planters themselves. Once removed they would replace the grate. Councilman David Barbour recommended that there be an information sign before drivers get to M. Durwood Stephenson highway alerting them of the upcoming one lane highway so that they may take an alternate route to help alleviate traffic. Davis agreed. Councilman John Dunn asked if the curb would be replaced. Mayor Andy Moore also wanted clarification as to whether curb work was factored into the quote. Davis stated the curb work was in the budget to do the sidewalks, and did not affect the quote. Councilman Stevens asked why we couldn't go ahead and move the curb back six inches to avoid mirrors being knocked off in downtown. Davis stated if we did that it would change the landscape of the poles. He further stated this was a DOT maintained road and that it is their infrastructure. Town Manager Mike Scott added that this could turn into a five hundred-thousand-dollar project with curb work being considered. Davis added that the proposed project was only for four blocks.

Mayor Andy Moore asked Davis if the estimate did include both the 200 and 300 blocks because the measurements were different for each bid. Davis stated that it was for the same area. Mayor Andy Moore

stated he was pleased with the much-needed repair work that had been done already and expressed thanks. Mayor Andy Moore asked which would hold up better, the stamped concrete or the poured concrete if we happened to have people parking on it. He further stressed that there be parking enforcement to prevent such. Moore stated he knows they already are, and thanked the Chief of Police, citing parking enforcement has improved, but reiterated that if the Town was spending money to do this work, it needed to be preserved as much as possible.

Mayor Andy Moore asked whether stamped or poured concrete would hold up better. Davis answered that increasing the thickness from 4 inches to 6 inches would make the sidewalks more durable. A cost-saving alternative was proposed: keeping the existing bricks, which are in good condition, and placing them on top of a new concrete base. This method would eliminate the need for sand and potentially reduce expenses. Davis further noted that staff had already addressed some trip hazards by adjusting loose bricks. He stated that a proposed cost-effective solution for the sidewalk renovation was to lift existing bricks, add a 2-inch concrete base, then replace the bricks. He stated this method would maintain parking access, avoid highway encroachment, and increase durability while preserving the sidewalk's appearance.

There was some discussion among the board about which would be the better option, keeping the brick, which had divots that could potentially be a trip hazard, or installing stamped concrete.

Councilman Travis Scott asked for how long the quote was good. Davis answered the contractor informed him that he would honor the quote until springtime, May and June, when the work could be done. Scott asked if the contractor had good references. Davis replied yes, the contractor does work for the Town now.

Councilman David Barbour stated that he liked stamped concrete better for its durability. As a single unit, it's less prone to problems than multi-piece installations. It withstands vehicle traffic better and lasts longer without cracking or coming loose. The installation process is quicker than removing, cleaning, and relaying bricks on concrete. Unlike brick installations where concrete between pieces can break over time, stamped concrete remains solid. This makes it a more efficient and enduring choice overall. Davis agreed, noting that the stamped concrete is one solid piece, so it's less likely to have issues. It holds up better under cars and doesn't crack easily. It's faster to install than dealing with individual bricks. While brick setups can break apart over time, stamped concrete stays intact. This makes it a smarter, longer-lasting option.

Councilman David Barbour made a motion, seconded by Travis Scott to move forward with the project for the bid of \$37,456. Unanimously approved.

3. Consideration and request for approval to award a bid to Vision NC, LLC in the amount of \$5,940.00 a day for a total estimated cost of \$100,000 for ditch cleaning services in Smithfield

Public Works Director Lawrence Davis addressed the Council on a request. He stated that the need for ditch cleaning was confirmed after investigation and discussion. An extensive drive-by inspection of the ditches was conducted, and addresses were noted. The project cost slightly more but offered better hours - 10 instead of 8. This arrangement allowed for an earlier start time. The estimated timeline is up to three weeks, though it could be completed sooner. The contractor allocated 30 minutes per hour for cleaning ditch pipes. This plan is expected to provide sufficient time for thorough completion of the work. He further stated that cleaning process depends on the level of clogging. For severe blockages, including root intrusions, a pipe crawler is used to jet, cut, and clean the pipes. The ditches are also cleaned. A designated dump site in the yard will be used for disposing of the removed dirt and debris.

Mayor Andy Moore asked if any work would be done on the ditches themselves. Davis stated his crew would be doing the work on the ditches. They would work alongside the contractors and do ditch work along with the cleaning. Moore stated that the ditches were probably ok for the most part, but that there are some problem areas.

Councilman David Barbour stated that some of the culverts are clogged and sit lower than the ditches, causing water to pool constantly. While some are completely blocked, most drain slowly due to build up around the pipes over time. This isn't because the pipes are sinking, but rather sediment accumulating on the sides, impeding water flow. Davis stated that we have back hoes, the equipment and manpower to address the issue.

Councilman David Barbour mentioned that with the work entailed in repairs, who would be responsible for replanting grass. Davis stated that he would talk to the manager about getting seed to put out for the grass to grow back, similarly done when other repairs are made by his crew.

Councilman Travis Scott stated that he was not opposed to cleaning out ditches. He asked with the department having added two staff members, why could they not clean the ditches. He also asked what was being done about the church that is flooding on North Street. Davis stated that he had Adam Stuckey go out to look at what could be done about the church, and he passed the information he received back along to the Town Manager. Davis stated that it was up to the Board, and that he received a \$95,000 estimate to address flooding near a church at the corner of Caswell where the church sits. The initial plan was to install 15-inch pipes, but now a larger pipe size is being considered. While the speaker is unsure of the exact new size, they believe the larger pipes will better alleviate the flooding issues in that area.

Councilman David Barbour asked if that was the only solution. Davis stated yes, noting that the problem was similar to the one on East Street, where too much water was coming in for the smaller pipes to handle.

Councilman Travis Scott asked if the two new Public Works positions created during budget session had been filled. Davis answered he has not filled the position but has had interviews and one prospect that would possibly be filling one position. He further stated that he was moving some employees around based on

CDL credentials, so the department is basically looking to fill one more position to have a full staff. Councilman Travis Scott stated he understood replacing the pipe at the church may require a contractor's skills, but asked if staff could use the newly purchased jet trailer to clean the ditch. Davis stated the jet they had did not have enough psi to blow out the ditches, but it could be used for maintenance by staff in the future. He also mentioned the \$80,000 vac truck he was looking to purchase may be able to do such work once acquired.

Councilman David Barbour clarified that the contractor was cleaning out the culverts so the water could flow, and that Public Works staff would be doing the ditch repair work, stating preventative maintenance is less expensive than repair work. Davis agreed, and stated staff would maintain the ditches afterwards through routine maintenance schedule.

Councilman David Barbour made a motion seconded by Councilman John Dunn to approve the bid for the ditch cleaning. Unanimously approved.

There was further discussion after the vote. Councilman Travis Scott asked where the Town would move the money from to cover the cost. Town Manager Mike Scott stated that he would recommend taking the \$80,000 from the American Rescue Plan funds so right now it would be the fund balance. Councilman Travis Scott asked if the Town was doing anything to address the other three districts. Mayor Andy Moore stated that should be next. Davis agreed. Councilman Rabil stated that if the Town was spending roughly 100,000 per district, we should have our own equipment and staff to do jobs like this. Davis stated he was hoping the job could be done quicker and less expensive than quoted, so things could be assessed so that maybe other districts can be addressed quicker.

Mayor Andy Moore reiterated that there was a motion and second on the issue, all were in favor, so the motion carried. He further stated that he wanted to get a plan in motion to address each area in Town, stating West Smithfield probably had the most ditches in Town that need to be looked at. Davis agreed.

4. Consideration and request for approval to adopt Resolution No. 754 (15-2024) authorizing the Mayor to execute a quitclaim deed to J29:11 Ventures LLC for conveyance of property at 1008 Fuller Street

Town Attorney Bob Spence addressed the Council. He stated that In the early 1980s, a federally funded Smithfield redevelopment commission aimed to improve poorer neighborhoods designated eligible areas for funding, including the Fuller Street area. Program directors worked to develop a particular block, attempting to increase lot sizes from 50 to 60 front feet to enhance the neighborhood. The Town Attorney continued, stating further that the town purchased 20-foot strips of land for under \$500 each, redistributing them to adjacent lots. This process was complicated by the lack of personal computers, internet, and comprehensive county mapping in the early 1980s. The lots, originally 50 feet wide and dating back to the Depression era, were re-platted in 1947. A concern was raised by Emory Ashley regarding a 20-foot strip of land. Attorney Bob Spence stated that upon review, the first lot from Fuller and Durham, measuring 70 feet, is owned by Johnson County Community Action. The subsequent two lots were intended to be 30 feet each, totaling 60 feet. Mrs. Richardson owns a mobile home on these lots.

The Town Attorney, Bob Spence continued stating that the lots differ from the original plat, which shows 50-foot frontages. The first lot is 70 feet, leaving 30 feet for the adjacent lot. Ms. Richardson's property comprises two 30-foot lots, totaling 60 feet. The town acquired some land from her, intending to give 20 feet to the adjoining property. However, this 20-foot section was never officially deeded out and remains in the town's name. The house on the affected lot has since been renovated. He stated that a developer or LLC purchased the property in April, discovering issues with the property line. The town-owned 20-foot section encroaches on the house by about 8 feet and affects an 8x12 addition. A survey confirms this. The 20-foot lot, intended to be conveyed to the property's predecessor in the 1980s, was never officially transferred. The current owners have been occupying this section for years. The discrepancy wasn't caught when GIS mapping was implemented around 2000, likely due to the mapper's unfamiliarity with the situation. Spence further stated that The GIS mapping is inaccurate due to the complexity and volume of lots in the county.

The Town Attorney further stated that the lot in question has been occupied for 42 years by owners unaware they didn't legally own the land. Multiple lawyers, including one from Raleigh, failed to catch this discrepancy. On the opposite side of the lot, there's a 10-foot strip that should belong to the neighboring property, as per a deed from the early 1980s. This situation arose from repeatedly dividing and recombining lots of various sizes within the block, leading to confusion in property boundaries. Spence added that a 10-foot strip associated with this lot should belong to the neighboring property, according to a deed from the early 1980s. He stated that similar mistakes have occurred twice, including one on the east side of Fuller Street involving a 10-foot discrepancy. A chain-link fence is approximately 8 feet from where the property line should be based on 1980s deeds, leaving an 8-foot gap. Spence stated that the fence may be two feet beyond the actual property line. Deeds from the 1980s don't show the 10-foot discrepancy because attorneys likely used outdated 1947 plats showing 50-foot frontages, overlooking lot reconfigurations done before computerization. These changes aimed to create more desirable 60-foot lots. Currently, we technically hold title to 20 feet of a small, well-maintained house under 1000 square feet.

Spence stated to avoid potential lawsuits, it's recommended to do a quit claim to transfer the deed to the current occupants, as we inadvertently own a significant portion of their house due to this mistake. Spence stated that think that the directors of community development intended to convey that lot out, but with the numerous ones they were doing, forgot to ever get it done. Spence stated he proposed quitclaiming this

property. It's now for sale. An LLC bought it cheaply in April and has renovated it, though the extent is unclear. He stated it is a nice-looking lot on that block.

Councilman Mayor Pro-Tem Roger Wood asked if the correction fixed all of the lots or just the one. Attorney Bob Spence stated that it fixes that lot, however there is a longstanding property discrepancy involving a 10-foot strip of land between two lots. The western property has been incorrectly deeded this strip since the 1980s, while the eastern property has not received proper documentation. This 40-year-old error was overlooked by attorneys and surveyors. The town plans to notify both property owners about the 10-foot error and the mistaken allocation of 20 feet of land. The issue affects both properties and dates back four decades. The town intends to rectify these historical errors in property boundaries.

Councilman David Barbour asked if the Town deeded the property as requested, are we out of it at that point and not hindering or hurting and not involved beyond notification. Attorney Bob Spence answered that was right.

Councilman Marlon Lee asked if Ms. Betty Richardson has been notified of this issue. Attorney Bob Spence stated he was not aware if she had been notified. He stated he spent most of his time trying to figure out the issue. He noted that Ms. Richardson lives in Fayetteville, and he is aware that she owns a mobile home on the lot. Councilman Marlon Lee stated that Ms. Richardson is getting rid of the mobile home and planning to build on the property eventually. Lee stated if she did not know about it, this could become an issue for her. Spence stated that he would try to notify Ms. Richardson by letter, and did not mind calling her to discuss the matter. He further stated that there was a survey of the property available now that shows Ms. Richardson's lot.

Councilman Travis Scott wanted Spence to clarify which was Ms. Richardson's lot, referring to the supplement on page 24 of the Town Council agenda packet. Spence stated Ms. Richardson's lot could be identified on page 4 of the agenda packet, and further pointed out the property lines to the Board, also showing them the surveys on pages 5, 9 and 15. Mayor Andy Moore got clarification from Spence that during the process of the commission going in, the deeding of the 20 feet never happened. Spence agreed. The Board got further clarification from Spence as to where the property lines were. Spence added that he did not think the land in question belonged to Ms. Richardson, pointing to the stakes on the survey, which he says was done so the property owners could see what was happening. He stated Ms. Richardson still owns her two 30-foot lots.

Councilman David Barbour made a motion a motion, seconded by Councilman John Dunn, to approve the request. Unanimous.

TOWN OF SMITHFIELD
RESOLUTION NO. 754 (15-2024)
RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SMITHFIELD, NORTH
CAROLINA AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED TO J 29:11
VENTURES, LLC

WHEREAS, the Town of Smithfield is the owner of certain property located adjacent to 1008 Fuller Street, and a portion of this property is no longer needed for municipal purposes; and

WHEREAS, J 29:11 Ventures, LLC, the owner of the property located at 1008 Fuller Street, has requested a quitclaim deed for approximately 20 feet of said property for the purpose of resolving any potential property boundary issues and ensuring the proper use and maintenance of the area; and

WHEREAS, the Town Council has determined that it is in the best interest of the Town to grant a quitclaim deed for the said portion of property to J 29:11 Ventures, LLC, as it will not adversely affect the interests of the Town, as the original plan in 1981 by the Redevelopment Commission appears to have been to make that transfer to the prior owner of the Ventures property as part of modifying the front footage of lots within that block, and as the owner, and its predecessors in title, have apparently paid taxes on the portion as if it were part of their lot for years; and

WHEREAS, the granting of this quitclaim deed will release any claim the Town may have to this portion of the property and transfer whatever interest, if any, the Town may have in it to J 29:11 Ventures, LLC; and

WHEREAS, North Carolina General Statutes authorize municipalities to dispose of real property by quitclaim deed upon resolution of the governing board.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Smithfield, North Carolina, in a duly called and noticed meeting held on the 15th day of October, 2024, that:

1. The Town of Smithfield hereby agrees to transfer by quitclaim deed to J 29:11 Ventures, LLC, any and all interest the Town may have in the 20-foot strip of property adjacent to 1008 Fuller Street.
2. The Mayor of the Town of Smithfield, M. Andy Moore, is hereby authorized and directed to execute a quitclaim deed and any other necessary documents on behalf of the Town of Smithfield to J 29:11 Ventures, LLC, in accordance with the terms of this resolution.
3. This resolution shall take effect immediately upon its adoption.

Town Manager Mike Scott wanted to remind everyone that the normally scheduled meeting for November 5th, 2024 would be rescheduled to November 12th, 2024, due to the elections. Also, that the next scheduled meeting after that would be on November 19th, 2024.

Adjourn

Councilman John Dunn made a motion, seconded by Councilman Travis Scott to adjourn the meeting until. The meeting adjourned at approximately 9:27pm. Unanimously approved.



M. Andy Moore

M. Andy Moore, Mayor

ATTEST:

Elaine Andrews

Elaine Andrews, Town Clerk

