

The Smithfield Town Council met in regular session on Tuesday, December 3, 2024 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:

Roger Wood, Mayor Pro-Tem
Sloan Stevens, District 2
Travis Scott, District 3
Stephen Rabil, At-Large

Councilmen Absent

Dr. David Barbour, District 4
John Dunn, At-Large
Marlon Lee, District 1

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 Moore called the meeting to order - 7:00 pm.

INVOCATION

The invocation was given by Councilman Travis Scott, followed by the Pledge of Allegiance.

APPROVAL OF AGENDA:

Councilman Travis Scott made a motion, Seconded by Mayor Pro-Tem Roger Wood to approve the agenda, amended as follows:

To remove from the Public Hearings 2. Subdivision Request Local 70 Interim Preliminary Plat-Smithfield Growth, LLC is requesting a preliminary subdivision of 86.64 acres of land in the Local 70 PUD Zoning District into 11 properties for land conveyance purposes. A subsequent subdivision will be submitted in the near future in conformance with the Local 70 PUD Plans. This is further identified by Johnston County Tax ID #14057011Y, 14057011Z and 14057011X.

Add to the consent agenda the amended minutes of November 12th as presented before the Council.

Unanimously approved.

Citizens Comments: None.

Consent Agenda:

Mayor Pro Tem Roger Wood made a motion, seconded by Councilman Travis Scott to approve the consent agenda with amendments. Unanimous.

1. Approval of Meeting Minutes

- a. November 12, 2024 – Regular Session
- b. November 12, 2024 – Closed Session

2. Consideration and request for approval to promote Water Plant Operator II to Water Plant Operator III

3. Consideration and request for approval to promote Water Plant Operator I to Water Plant Operator II

4. Consideration and request for approval to promote Senior Customer Service Representative to Accounts Payable Technician

5. Consideration and request for approval to promote Customer Service Representative to Senior Customer Service Representative

6. Consideration and request for approval to promote one officer from Police Officer I to Police Officer II

7. Resolution No. 759 (20-2024) for CSX Grant Funds and Budget Amendment

**TOWN OF SMITHFIELD
RESOLUTION NO. 759 (20-2024)**

WHEREAS, the Town of Smithfield has received a Directed Projects grant for the CSX Culvert Improvement Project (SRP-W-134-0090) from the 2023 Appropriations Act, Session Law 2023-134, administered through the Drinking Water Reserve and Wastewater Reserve to assist eligible units of government with meeting their ~~wastewater~~ infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered 2023 Appropriations Act funding in the amount of \$1,100,000 to perform work detailed in the submitted application, and

WHEREAS, the Town of Smithfield intends to perform said project in accordance with the agreed scope of work.

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

That the Town of Smithfield does hereby accept the 2023 Appropriations Act Directed Projects Grant offer of \$1,100,000; and

That the Town of Smithfield does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to; and

That Michael L. Scott as Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this the 3rd day of December, 2024 in Smithfield, North Carolina.

M. Andy Moore, Mayor

ATTEST:

Elaine S. Andrews, Town Clerk

AMENDMENT TO CSX CULVERT IMPROVEMENT GRANT PROJECT BUDGET ORDINANCE

TOWN OF SMITHFIELD

BE IT ORDAINED by the Town Council of the Town of Smithfield, North Carolina, that the following amendment is made to the CSX Culvert Improvement Grant Project budget ordinance for the fiscal year ending June 30, 2025:

Section 1: To amend the General Fund Capital Project Fund, the appropriations and estimated revenues are to be changed as follows:

See Attachment A

The finance office has recognized that the NCSOBM has increased the budget \$150,000 for the CSX Culvert Improvement Grant Project.

Section 3: Copies of the budget amendment shall be furnished to the Clerk of the Town Council, and to the Budget Officer and the Finance Officer for their direction.

Adopted this 3rd day of December 2024 by the Smithfield Town Council.

M. Andy Moore, Mayor

ATTEST:

Elaine S. Andrews, Town Clerk

Attachment A

<u>Acct #</u>	<u>Description</u>	<u>Decrease</u>	<u>Increase</u>
Revenues:			
46-40-3800-3800-0000	State Grant CSX		150,000
Expenditures:			
46-40-5900-5700-7400	CSX Culvert Improvement		150,000
Check:			
<u>Revenues</u>		<u>Decrease</u>	<u>Increase</u>
Revenues		-	150,000
Expenditures		-	150,000
Totals		-	-
Check Figure			-

8. New Hire Report

No new employees were hired from 11/12/24 to the present.

Current Vacancies:

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Asst. Aquatics Supervisor	P&R – Aquatics	10-60-6220-5100-0200
Police Officers (6 positions)	Police	10-20-5100-5100-0200
Water Plant Operator	PU – Water Plant	30-71-7200-5100-0200
Utility Line Mechanic	PU-Water/Sewer	30-71-7220-5100-0200
Electric Superintendent	PU – Electric	31-72-7230-5100-0200

Business Items:

1. Consideration and request for approval to adopt the 2025 Town Council regular Meeting Schedule:

January 7th and 21st
 February 4th and 18th
 March 4th and 18th
 April 1st and 15th
 May 6th and 20th
 June 3rd and 17th
 July 1st and 15th
 August 5th and 19th
 September 2nd and 16th
 October 7th and 21st
 November 18th
 December 2nd and 16th

Councilman Travis Scott addressed the Board regarding the 7:00 pm meeting times, inquiring if the Council could meet at an earlier hour, to possibly prevent late sessions. Mayor Andy Moore stated that may be difficult for him and maybe others who work out of town. Mayor Moore stated that he does examine the agenda and will occasionally move around or pull items to have efficient and timely meetings, however it is not always possible to avoid late meetings. The Board had discussion regarding the November 2025 meeting, noting that election day was the first Tuesday in November. The Board agreed to have one meeting in November on the 18th. Mayor Andy Moore added that the thought process behind having the second meeting was that they be held as needed, and cancelled if not necessary.

Mayor Pro Tem Roger Wood made a motion, seconded by Councilman Steve Rabil to approve the 2025 Town Council meeting schedule as presented with the one meeting date in November on the 18th, with starting times being at 7:00 pm, and with the option to cancel the second meeting as necessary. Unanimous.

2. Traffic Study – Highway 210

Planning Director Stephen Wensman, with Parks and Recreation Director, Gary Johnson addressed the Council. Their request is for Council to review and approve a contract for services with McAdams for a traffic impact analysis and intersection design for NC 210 Park. The park is a 20-acre property in the flood plain off NC 210. Wensman pointed out that an existing access main entrance being utilized, which connects the park to NC 210 is out of alignment with the easement and may cause consternation with NC DOT. He stated staff completed the Request for Qualifications (RFQ), and McAdam's team came in as the low bidder, with the better knowledge and understanding of the Town's needs. The Planning Director outlined costs associated with the project, stating they were appropriate and agreed upon by Bill the Town Engineer. The analysis does not include:

- Construction administration – anticipated \$3,000
- Agreement with NCDOT for the signal – anticipated \$6,000
- Signalized intersection construction
- Entrance driveway
- Park construction

Wensman stated that if a signal installation is required, the cost could range from \$200,000 to \$275,000 or more. Additional expenses may be incurred for fiber optic communication, depending on its location. The project is scheduled to be completed by next July. The Planning Director then requested approval to enter into a contract with McAdams.

Mayor Pro Tem Roger Wood asked for clarification on the statement of qualifications. Parks & Recreation Director, Gary Johnson clarified that they select the most qualified firm who gives them the proposal for the job. Councilman Scott asked for clarification for the shared entrance access between the commercial owners of the property and the park. Wensman stated that will be part of the review of this process as to how the two entities can co-exist with DOT's approval.

Councilman Travis Scott asked the Town Manager what budget this contract would come from and if it was approved funding. Manager Mike Scott stated we have \$220,000 set aside for construction plans. Councilman Travis Scott asked if the Town had to construct the traffic signal at the \$300,000 cost, how would that be funded. Manager Scott said that would not come from this budget but would have to be discussed in the upcoming budget process. He further stated the property to the North, if developed would need the traffic signal and should share its cost, so the whole burden would not fall on the Town.

Mayor Pro-Tem Roger Wood made a motion, seconded by Councilman Travis Scott to approve the request for contract for the traffic study. Unanimous.

PUBLIC HEARINGS:

1. **Conditional Zoning Request (CZ-24-08) Village on the Neuse:** *To review the application to to rezone 2 parcels of land (34.28 acres and 7.98 acres) from R-20A (Residential/Agriculture) to R-8 Conditional (Single, Two, and Multi-family Residential Conditional) with a master plan for 117 lot detached single-family subdivision. This is further identified by Johnston County Tax ID # 14001001 and 14075011A.*

Mayor Pro Tem Roger Wood made a motion, seconded by Councilman Steve Rabil to open the public hearing. Unanimously approved.

Planning Director Stephen Wensman explained that the property in question is located south of Smithfield Middle School and north of the Holland Drive development. It is located just above Holland Drive and Everett Lane. He noted that Everett Lane is actually a private driveway on middle school property, serving homes behind Smithfield Middle. No changes are proposed for the driveway. The property backs up to the Neuse River. A survey of the site and the proposed plat was presented to the Board for review. Wensman stated that the development consists of 8000 square foot lots, initially proposed as straight R8 zoning. At the Planning Board's request, it was changed to conditional zoning to ensure single-family homes. No deviations from UDO are requested, and all rules and regulations will be followed. The site is within the Smithfield utility district, is planned for detached single-family residential homes, and it's location makes it part of the town. The comprehensive plan guides this area for medium-density residential, making the proposed rezoning appropriate. He stated the development meets all UDO standards. The project is limited by Neuse River riparian buffers and flood plain regulations. It will have Buffalo Road frontage, connect to Holland Drive, use town utilities and is compatible with surrounding land uses. Wensman stated that staff finds the proposed development consistent with the comprehensive plan. Wensman stated that he is recommending approval with no conditions for approval, except that a traffic study be done prior to the preliminary plat application, which he understands they are working on currently.

Wensman outlined Staff's opinion with the following consistency statement:

CONSISTENCY STATEMENT (Staff Opinion):

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

- **Consistency with the Comprehensive Growth Management Plan -The map amendment is consistent with the comprehensive growth management plan.**
- **Consistency with the Unified Development Code (UDO) – the site will be developed in accordance with the UDO.**
- **Compatibility with Surrounding Land Uses – the map amendment will be compatibility with surrounding land uses.**

Councilman Travis Scott clarified whether storm water. Wensman stated that would be required and added that since the developer intends to follow the UDO, we are protected by the code. Councilman Scott added staff needs to follow through to make sure the UDO is being followed properly with this an any development.

Councilman Sloan Stevens also questioned the storm water requirements as well as connections to the south of the development with a trail. He also wanted to make sure the same architectural standards were upheld with this development as upheld by the development beside it and across the street. Wensman stated that the developer has not asked for anything outside of the UDO, so he would defer to the Town attorney as to whether putting additional stipulations on the developer was appropriate at this early stage.

Town attorney Bob Spence asked the Planning Director if he knew what the neighboring development's architectural standards were. Wensman listed it had to have a level of brick or stone, with a quarter of the facade being brick or stone, at least one or two windows on the side wall and board-and-batten or other lap siding. There were other inquiries from the Board related to sidewalks, the walking trail and lot size, which will all be addressed by the UDO requirements as stated by Wensman.

Mayor Moore asked about the traffic study analysis. It was discussed that it would have to come back before the Council to address any improvements.

The Board also discussed making it a condition that the development consist of stick-built single-family homes only, and also setting architectural standard guidelines in place for the proposed development now, so the applicant would understand the Town's expectations up front.

The applicant, Eric Villeneuve spoke regarding the project. He stated their company specialized in single family home construction. He cited his intent to connect with developers of the Buffalo Ridge development, whose architectural standards were already approved by the Town and ones he was comfortable with.

Town Attorney Bob Spence stated that this could be negotiated now as a part of the conditional zoning process, but not as part of any quasi-judicial hearing such as in a subdivision request. He asked the applicant if he was ok with a list of acceptable standards from the Board. Those standards were as those in line with the Buffalo Ridge development: no vinyl siding on the front of the house, homes must have a level of brick or stone, with a quarter of the facade being brick or stone, at least two or more windows on the side wall and board-and-batten or other lap siding.

Councilman Travis Scott asked the applicant if the house that part of the development area would be torn down. The applicant, Mr. Villeneuve answered yes. Councilman Scott stated he was concerned that house may be occupied and received the applicant's assurance that this would be addressed. Applicant Eric Villeneuve also added that he liked the Town's Riverwalk project and would be open to discussions for its future development.

Villeneuve further reiterated that there will be a traffic impact analysis study underway and will be presented to the Board. The Board discussed connections to Holland Drive, future stub outs, and traffic impacts for the development. Planning Director Stephen Wensman stated this could all be addressed during the preliminary plat plan review, which would call into question any issues.

Mayor Moore asked if there were any questions from Council. There were none.

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

Resident Dan Simmons of 125 Everette Lane stated he was concerned about the storm water runoff and traffic the development would bring. He stated he wanted to see that the developers followed the development ordinance to the letter.

Mayor Andy Moore asked if it mattered in the UDO whether the storm water runoff was from a private drive. Wensman stated no, that UDO requirements were the same for public and private driveways.

Richard Butner of 106 Cobblestone Ct. stated he was concerned about the rapid development in our area. He also expressed concerns about the traffic study, which he noted was done during a holiday on November 12th in his area. He discussed the quality of life of neighborhoods with high density. He also encouraged the Council to keep the citizens' best interests at heart.

Mayor Pro Tem Roger Wood made a motion, seconded by Councilman Steve Rabil to close the public hearing. Unanimous.

Mayor Pro Tem Roger Wood made a motion, seconded by Councilman Sloan Stevens to approve the Conditional Zoning Map Amendment CZ-24-08 with the following conditions, that there be a traffic index study, that the development be comprised of single family homes only, and that the development have the same architectural standards as described which will match Buffalo Ridge, consistent with the Town of Smithfield's Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable with the public interest.

The motion carried three votes to two, with Mayor Andy Moore having the tie breaking vote in the affirmative along with Mayor Pro Tem Roger Wood and Sloan Stevens. Councilman Travis Scott and Councilman Steve Rabil voted against the conditional zoning request.

2. ***Subdivision Request (S-24-05) - Powell Tract:*** *Lanny Clifton (Lan Development, LLC) is requesting approval of a preliminary plat for an 18-lot single family subdivision on 11.1 acres. The proposed development is on Swift Creek Road approximately 2300 feet north of the Cleveland Road intersection. This property is further identified by the Johnston County Tax ID# 15108014*

Town Clerk Elaine Andrews administered affirmations to those wishing to offer testimony during the Public Hearing.

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

Planning Director Stephen Wensman explained, the property is north of Cleveland Road on Swift Creek, near Camden Ranch. It's in the ETJ, requiring park dedication fees. Wilson's Mills Fire District will serve it. Plans include individual septic systems and Duke Energy power service. The preliminary plan outlines a cul-de-sac development with a mail kiosk, sidewalk, and parking areas. All lots and street dimensions comply with town codes and UDO requirements. The cul-de-sac design meets the maximum allowable length and new engineering standards. Wensman stated that the development will use the DOT right-of-way and that there will be a traffic impact analysis required (TIA). He stated a DOT permit is needed to connect to Swift Creek Road, and that there were no turn lanes or improvements mandated by DOT.

Street connectivity is an issue, with opposition to northern connectivity due to limited development potential in the adjacent farm property and limited connectivity in the South. The developer and the Planning Board oppose northern connectivity due to wetlands and the adjacent farm owner's unwillingness to sell. Southern connectivity is also challenging due to existing single-family lots and a blue line stream. Given these constraints, staff is not requesting lateral connections, though this would require council approval to waive the code requirement.

Wensman added that the Town typically asks for sidewalks on frontage roads. However, new Senate Bill 166 limits the town's ability to require sidewalks on frontage roads without coordinating long-term maintenance with DOT. Given that the town is not equipped to maintain sidewalks on Swift Creek Road, staff's intent is to waive the usual requirement for frontage sidewalks for this subdivision. The town's code, which typically requires sidewalks, may need updating to align with this new legislation. He noted that the developer has proposed a sidewalk within the development. To ensure its long-term maintenance, an HOA or restrictive covenants would need to be established.

He further stated the parking for the mailbox kiosk is within the right-of-way, but the structure itself is outside, avoiding town maintenance issues.

Each lot must meet minimum requirements, including the previous 20,000 square foot minimum for septic systems, as this development predates the new 40,000 square foot requirement. The development is expected to be exempt from stormwater capture requirements, being below the 24% threshold. It must comply with all landscaping and buffering requirements.

A subdivision identification sign, not currently shown on the plat, will be located on the property or on an easement and will require a sign permit from the Town. He added that this is a single phased project, planned for 2025-2026.

Staff found it consistent with the comprehensive plan and UDO conditions, with adequate infrastructure and no detriment to neighboring properties. Five conditions of approval are proposed along with a recommended motion.

Mr. Wensman reviewed the staff's opinion of the findings, which was that the application technically met the four required findings for approval in the code.

FINDING OF FACT (STAFF OPINION):

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

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

Staff recommended approval of the Powell Tract preliminary plat, S-24-05, with the following conditions:

1. *That the subdivision approval be contingent on approval of the construction drawings and meeting all UDO requirements except with no lateral stub streets.*
2. *There shall be a homeowners' association or affirmative restrictive covenants to maintain the development common amenities such as street yard landscaping, mailbox kiosk and sidewalk.*
3. *The public sidewalks be maintained by the HOA or property owners with affirmative restrictive covenants and approved by NCDOT.*
4. *That landscape plantings be provided in accordance with UDO Article 10, Section 10.13.1.8.2.*
5. *The required 15' wide street yard plantings along Swift Creek Road shall be within a 15' wide easement.*

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the December 3, 2024 agenda packet.

Mayor Moore asked if there were any questions from Council.

Councilman Travis Scott asked for clarification for which lots to the South of the development would be developed as single-family lots. Wensman stated that this was his understanding. Councilman Travis Scott asked if there was any evidence that these lots would not be developed later. Wensman stated that that there were two different owners of the ten-acre lot, and they would have to coordinate to create a really big development, which would be difficult.

Councilman Travis Scott further inquired since the owners to the North came out in objection to the development, was there any objection from the people to the South of the development. Wensman stated that they were not at the meeting, but that the surveyor may know something about that. Wensman stated he checked the GIS and there were two different owners there, and not a name or corporation.

The applicant, Jonathan Barnes of Dalon Engineering and Associates spoke regarding the development project. He stated the proposed subdivision will be developed in one phase with 18 lots. It will include subdivision signage, paved streets with curb and gutter, and sidewalk on one side. A homeowner's association is planned to maintain the sidewalk and mailbox kiosk area.

Councilman Travis Scott asked the developer to address his question regarding the potential development South of the project. Mr. Barnes stated both parcels outlined to the South are to be developed as single-family lots due to the sales contract stipulating that only one septic system can be placed on each parcel. Councilman Scott asked for clarification of ownership to the North and South. Wensman stated that there were two different owners. Councilman Scott further inquired about connectivity roads. Wensman stated that they showed a connectivity road to the North, but never showed one to the South as they are single family home lots with nothing to connect to.

Councilman Travis Scott stated one area of major concern was traffic, if this was to become a subdivision later, connectivity would make sense, but as it stands it is on the record that it's not an issue and he asked that the Council remember that. Mayor Andy Moore asked if everything else was consistent with code. Stephen Wensman replied yes, everything else seems consistent, but that staff would make sure to address any issues when the construction drawings were presented.

Councilman Travis Scott asked if anything was being done about the traffic. Planning Director Stephen Wensman stated that DOT has indicated that there were no requirements made to this development, no turn lanes or anything. They stated they did not see that the road was busy enough or unsafe to require any additional changes.

Mayor Andy Moore asked the developer if he approved the facts as stated by Planning Director Stephen Wensman regarding the development. The developer, Jonathan Barnes stated that he agreed with the draft recommendations as presented.

Suzanne Coates of 4284 Swift Creek Road spoke regarding the development. Ms. Coates stated that she is local resident, who lives about half a mile from the proposed development area. She stated that while land development has been ongoing in the area for decades, being sought after from developers as far away as Washington State, this subdivision doesn't align with the current character of Swift Creek Road. Ms. Coates pointed out that existing homes in the vicinity typically have larger lot sizes and are often situated next to open fields or woods. She stated this contrasts with the smaller lot sizes in the proposed development. Ms. Coates expressed concern that the proposed development could erode the prized rural lifestyle of Johnston County. She noted that the area's small-town, rural character is a major appeal, even for newer residents who moved to escape increased development elsewhere. Ms. Coates questioned the impact of 18 homes and septic systems on 11 acres, despite meeting county specifications. She raised concerns about potential health and environmental effects on residents, wildlife, and waterways. She expressed concerns about growth not being well thought out, stating that as an ETJ resident, she does not have a vote to elect officials who will be making those decisions.

Angie McClure of 4982 Swift Creek Road addressed the Board regarding the proposed project. Ms. McClure, a long-time resident, expressed concern about farmland loss to development and hopes for preservation of Smithfield's farming heritage. She plans to maintain her farm and questioned the developer's claim about DOT not requiring road improvements, noting lack of direct DOT confirmation in the report. Ms. McClure questioned the accuracy of traffic assessments due to the 210 Bridge closure, noting current traffic is abnormally low. She expressed concern about the cul-de-sac's proposed location on a dangerous curve near her property. Additionally, she mentioned increased air traffic from the expanded Johnson County Regional Airport, which is now audible from her home. She admonished not having a vote being in the Town's ETJ district. Mrs. McClure asked Planning Director Wensman to clarify his statement that the adjoining plots were sold to another individual, stating that she noticed the developer's name was the same on the deed. Mr. Wensman stated that he saw a different name on the contracts for sale. Councilman Travis Scott stated that there is a difference between contracts and a deed. Wensman concurred and stated that he did not know when it was set to close, but that there were contracts on both properties.

Mr. William Fred McClure Jr. of 4982 Swift Creek Road also spoke regarding the traffic on the curve near his house, which he states is dangerous. He states he believes the traffic analysis will not be accurate until the bridge is fixed.

Mayor Andy Moore wanted clarification from Town Attorney Bob Spence as to whether the Board needs to wait for a traffic study in this quasi-judicial process, or deal with the facts before them now. He stated that he truly understands the concerns of citizens, but stated the Town had to abide by the process and the facts.

Town Attorney Bob Spence reiterated that all subdivision requests are quasi-judicial hearings and require the Town follow the rules and statutes handed down from the legislature in Raleigh for subdivision requirements. Whereby he sees and understands the emotion related to town growth, the town must receive expert testimony from both sides of the issue that can be held up in court. He stated the landowner has a right to lawfully request the development of his tract of land based on the rules, and such request needs to be refuted by factual testimony from experts.

Councilman Travis Scott asked how many houses would generate a traffic study. Planning Director Stephen Wensman stated 800 trips per day, and that the proposed development is way below that threshold at 110 trips per day. Councilman Travis Scott said the Town needs to find out more about the owners of the tracts of land to the North. He stated that a contract does not necessarily mean a sale. He noted that the owner was the same on the deed, and if that owner decided to develop that large tract, it would prompt a traffic study. Wensman stated he saw the contracts, and that they appeared valid but there is potential that they may not get fully executed. Councilman Scott stated the developers are here to make money. Wensman understood, adding that it could be a condition of the Council that there be lateral connections. Councilman Scott wanted to state for the record that the two parcels outlined in red on the maps presented to the Board were not the only two pieces of land with potential to impact to the development. There was some discussion among the Board about adding stub outs for future development as a condition.

William Fred McClure Jr. spoke again regarding traffic. He asked the Board to check with the police department for accident reports if they wanted facts. He also requested clarification of the wetland areas on the map presented, which according to the Planning Director are not conducive for development.

Ms. Angie McClure addressed the Board again concerned about DOT enforcing eminent domain for her property. Councilman Travis Scott stated eminent domain does exist, and it would likely fall on Ms. McClure's side of the road as with other recent infrastructure installments. Ms. McClure asked when the lot size changed from what she thought was one acre to have a septic tank in a subdivision. Wensman stated the rule changed from 20,000 feet to 40,000 feet four weeks ago in concurrence with County guidelines, but that the applicant was grandfathered in by the old rule because he submitted his plans prior to rule change. Ms. McClure asked why it changed. Wensman stated that 20,000 was small for septic tank fields given the absorption rate generally of soil in Johnston County.

Mayor Moore asked if there were any further public comments. There were none. Mayor Moore asked if there were any questions from Council, but there were none.

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

Councilman Travis Scott made a motion, seconded by Councilman Steve Rabil to deny the request.

Councilman Sloan Stevens asked if the Board needed to go through the findings one by one. Attorney Bob Spence stated that it would probably help on an appeal, but that it was the Board's choice. Mayor Andy Moore asked Town Attorney Bob Spence whether a review of the finding of facts was a requirement. Attorney Bob Spence stated it was not a requirement. Councilman Travis Scott stated he would let his motion stand as is to deny the application. The motion carried with a three to one vote to deny the request. Councilman Travis Scott, Steve Rabil and Sloan Stevens voted against the development and Mayor Pro Temp Roger Wood voted for the development.

In denying the subdivision application the majority on the Council find that the subject property is in an R-20 zoning district but is in the long-term rural, residential development plan of the town. Also, it is located between the intersection of the road with the creek to the north near the airport and with the intersection of the road with SR 1010 to the south. Thus, this specific area of this property on the east side of Swift Creek Road still retains much of the county's historical, rural residential character.

However, as the neighbors including Ms. McClure testified, there is increased traffic cutting from Cleveland Road (SR 1010) on its south to Highway 70 and the airport area to the east. The road has a marked curve just north of this property so that the traffic from the cul-de-sac would enter the road right at the beginning of the curve south of Swift Creek. Furthermore, though well buffered physically by the Swift Creek basin on its east, the airport east of Swift Creek does add some further noise and traffic. All this growth adversely affects the rural nature of the tracts on the east side of Cleveland Road and makes it even more important for planning to protect some of the more pristine areas in our agricultural residential zones. Protection of areas such as this should extend not just to areas in the southeast of the county but to some of the areas located closer to the development along Highway 70 northeast of town.

Thus, the long-term plan of the town is that some of the land in the rural agricultural long-term plan should retain the less dense rural character of the heritage of our community. At this property the creek and its basin buffer the land from the higher density of highway 70 as well as the airport lying on the east side of the Swift Creek basin. With Swift Creek Road to the west and the basin to the east, this area along the east side of Swift Creek Road is ideally suited to the long-term plan of preserving some of our agricultural, residential properties.

Consistent to protecting agricultural rural areas from adverse effects of growth and in accord with county policy, the town recently increased the minimum area of R-20 lots with public water and private septic to allow more land to absorb the sewer from drain fields. This application is just prior to this increase and denser than will be allowed in subsequent lots in this area due to the policy change.

Furthermore, the application as presented is a strait cul-de-sac road entering SR 1010 right at the commencement of the curve and does not include any stub out of streets to the north and south of the property as required by our code to facilitate future development regardless of the fact there is no such development to those parcels currently. Our planning should be long term, and applicants should meet the UDO requirements.

Thus, as ultimate findings based on the specific facts set forth in the uncontradicted testimony above, the majority of the Counsel sitting at this meeting make the following ultimate findings required by the UDO.

1. *The plat is not consistent with the adopted plans and policies of the town*
2. *The plat does not comply with all applicable requirements of this ordinance;*
3. *There exists adequate infrastructure (transportation and utilities) to support the plat as proposed though the location of the cul-de-sac road without stub out of lateral streets does adversely affect the area.*
4. *The plat will be detrimental to the use and development of adjacent properties and other neighborhood uses and adversely affects the rural character of the area on the east side of Swift Creek Road just south of its intersection with Swift Creek.*

The application is denied.

Councilmember's Comments:

Mayor Pro Tem Roger Wood thank staff and all who participated in the weekend's events, such as the Christmas tree lighting, commenting they were a success, and he appreciates Town and other staff.

Councilman Travis Scott asked if the Town Police Chief could look into vacant property at the newly proposed Village on the Neuse development, with the owner's permission to address the possibility of an occupant inside the home as it may be a safety concern. He also addressed the foul odor he has had complaints about that emanates from the Town's Greenway path as it crosses Buffalo Rd, stating it needs to be examined. Councilman Scott also mentioned the Town's Holiday Luncheon, encouraging the Board to attend and thank Town staff.

Mayor Andy Moore extended thanks to Mayor Pro-Tem, Roger Wood, for standing in for him at the Town's Annual Christmas Tree lighting. He also encouraged support and attendance for seasonal events and to all local businesses. Mayor Moore also asked the staff to check into the odor issue at the Greenway.

Town Manager's Report

Town Manager Mike Scott stated he received a call from a citizen who wished to thank the Town's Water and Sewer staff who worked on the water line at the 100 Block of Rose Street last night until about 8:30 pm. The citizen commended staff for being very pleasant and helpful while working even as the weather has turned cold. Manager Scott reminded everyone of the Town's Christmas Parade on December 12th. He also mentioned an upcoming retirement reception for Captain Troy Byrd. He also reminded everyone of the annual Grinch Run on Saturday December 7th at 10:00 AM.

Mayor Andy Moore mentioned that as a member, he attended the Upper Coastal Rural Planning Organization meeting two weeks ago in Wilson, NC, and the Board approved that the Town could move forward with the application for its sidewalk development plan on Venture Drive.

Adjourn

Mayor Pro Tem, Roger Wood made a motion, seconded by Councilman Steve Rabil to adjourn the meeting at 8:29 pm. Unanimously approved.

ATTEST:


Elaine Andrews, Town Clerk




M. Andy Moore, Mayor