

The Smithfield Town Council met in regular session on Tuesday, February 4, 2025 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

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

Councilmen Absent
Travis Scott, District 3

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
Jeremey Daughtry, Fire Chief

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 amended as follows. Unanimous.

Amendment to the agenda:

Add to the Agenda Closed Session Pursuant to NCGS 143-318.11 (a)(3)

Presentations:

1. **Proclamation – Proclaiming February as “All in Red” Month in the Town of Smithfield**
Mayor Andy Moore read the following proclamation and explained the importance of the campaign.

**PROCLAMATION
Recognizing February as “All in Red Month”
In the Town of Smithfield**

WHEREAS, the well-being of our community is of paramount importance, and maintaining excellent health among our citizens remains a top priority; February marks the month-long, county-wide heart health awareness campaign entitled “ALL IN RED”, organized by UNC Health Johnston and the Johnston Health Foundation; and

WHEREAS, in the United States, North Carolina, and Johnston County, heart disease is a leading cause of death among both men and women; and

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), up to 80% of premature deaths from heart disease and stroke could be prevented through increased physical activity, improved diet, education, and proper management of medical conditions such as high blood pressure, high cholesterol, and diabetes; and

WHEREAS, ALL IN RED provides an opportunity to raise awareness about heart health while addressing the growing needs of local cardiology patients; and

WHEREAS, the ALL IN RED campaign encourages all Johnston County residents, business owners, and visitors to participate in this initiative by wearing red on **February 7, 2025, National Wear Red Day**, and/or **running a RED promo or fundraiser throughout February**; and

WHEREAS, recognizing the financial challenges faced by heart patients, all funds raised during this campaign will benefit local heart patients through the Johnston Health Foundation’s Heart Fund; and

WHEREAS, on this day, we recognize heart disease and stroke survivors, those battling the disease, their families who are their source of love and encouragement, and applaud the efforts of our medical professionals who provide quality care;

NOW, THEREFORE, I, M. Andy Moore, Mayor of the Town of Smithfield along with members of the Town Council do hereby proclaim **February 2025** as **"ALL IN RED MONTH"** and encourage businesses, industries, and citizens in our community to support and participate in this event.

Duly proclaimed this 4th day of February 2025, while in regular session.

M. Andy Moore, Mayor

2. Administering the Oath of Office to Newly Hired Police Officers

Mayor Andy Moore administered the Oath of Office to newly hired Police Officers, Officer Alexander Watts, Officer David Sholes, Officer Glendale Daniels, Officer Ian Landon, and Officer Shahzeb Hameed. The mayor congratulated each officer and welcomed them to the Town of Smithfield.

3. Spring Branch Resiliency Study: This presentation identifies the additional stormwater related capital improvement projects and development of a Greenway concept connecting the Eva Ennis/Smith-Collins trails to the Buffalo Creek Greenway along the Neuse River.

Planning Director Stephen Wensman stated that this was a presentation of the resiliency of a grant project of Spring Branch. He asked Brian Roberts, the engineer who led the study to present the information to the Town Council.

Mr. Roberts explained the project on 5th and 6th Streets in Town lead the restoration. He showed before and after pictures of the restoration location to the Board. He stated the Spring Branch watershed was 1.53 square miles. The FEMA flood plain was the main reason why they did the study as the flood plain goes into the residential areas on either side of the stream. He stated the project was funded by Town of Smithfield/North Carolina Land and Water Fund (NCLWF) grant 50/50. He noted their staff's purpose was to:

- Identified projects/estimates
- Identified project sequencing
- Identified funding sources
- Identified timeline to create a comprehensive plan

Roberts outlined the three phases of the Resiliency Plan to the Council:

Phase One is the *2nd Street Culvert Replacement*, stating that the 2nd and 4th Street culverts were under sized, which created bottle necks and backwater upstream of the sites. Roberts stated by increasing the size, they were able to convey more water and reduce the flooding next to those areas significantly.

Phase Two was is the *College Pond Retrofit*, which will include the replacement of existing 24" outlet and re-grading the emergency spillway to reduce peak discharges downstream. The *I-95 Pond Retrofit* which will be able to store 9 acre-feet of water. Also, the above-ground flood attenuation facility which would store roughly 25 acre-feet of water. Roberts noted that all three projects in this phase would increase water storage by approximately 54 acre-feet in that area alone.

Phase Three is the *5th Street Culvert Replacement*, which will add another side-by-side culvert to improve the conveyance capacity. The *SR 301 Bypass Culvert Replacement* project will add an adjacent 48" reinforced concrete pipe underneath SR 301 to help reduce flooding. Roberts also stated Phase Three contained a stream restoration project from 3rd to 2nd streets which will realign approximately 450 linear feet of channel and grade floodplain.

Engineer Brian Roberts also showed a photo of the 5th Street Stream Restoration project that restored 434 linear feet of stream along Spring Branch, restored 100 linear feet of stream along a tributary and created an over flow of flood storage. He asked the Board if there were any questions.

Councilman David Barbour stated that the 5th Street Stream Restoration does not look the same in present day as it did in the photo presented and the site is now overgrown. Roberts stated the vegetation cannot be maintained because it is in a conservation area, but once the trees grow in it will look a lot nicer. He stated the functionality of the site has greatly increased from what it was before.

Councilman Barbour asked if there was any maintenance that needed to be done to ensure functionality of the site. Roberts stated they do a monitoring report every year to check functionality as intended. He stated this is required for five years. After that point enough trees will have grown to shade out any brush undergrowth. Roberts stated the full report will be on the Town's website.

Mayor Moore asked if there were any further questions from the Board. There were none.

4. East Coast Greenway Study: Johnston County Parks is presenting the East Coast Greenway Study.

Mayor Andy Moore introduced Adrian O'Neal, the Parks, Greenways and Open Space Director for Johnston County to speak regarding the study.

Adrian O'Neal reported on the progress of the East Coast Greenway and Mountains-to-Sea Trail project. A feasibility study has been completed by McAdams company for the lower portion of the trail, which will connect Smithfield to Four Oaks, Benson, and extend into Harnett County. The Smithfield section is approximately 3.9 miles long. The study has identified the most likely route for the trail, which is a necessary step to begin the funding process. O'Neal is seeking the Council's approval and feedback on the proposed route through Smithfield. He pointed out on a map the location and direction of the proposed trail for the Board.

O'Neal described the main trunk line of Phase One, which follows Second Street, circles the river corridor, crosses the Neuse River bridge, and ends at the 301 bridge at Holts Lake. He emphasized the importance of adopting the plan, noting that the County commissioners have already done so. Adoption would facilitate future grant applications for both the town

and county portions of the trail. Additionally, it would allow the Department of Transportation to incorporate the trail into their complete streets program when modifying or revamping roads in the area.

O'Neal stated that the plan has already influenced DOT's bridge designs. When rebuilding the bridges over the Neuse River on 301 and at Holts Lake, they will make them wide enough to accommodate the Greenway. The trail from Buffalo Creek Greenway to the Neuse River will serve as both the East Coast Greenway and the Mountains-to-Sea Trail. At the Neuse River, the Mountains-to-Sea Trail will diverge towards Devils Race Track, while the East Coast Greenway will continue along 301. In Smithfield, the goal is for the trail to be 44% dedicated Greenway and 56% side path, which is basically sidewalk or roadside walking.

O'Neal stated that several path options were considered for the Greenway. A route directly along 301 was rejected due to safety concerns. The team prioritized creating a scenic and safe Greenway, evaluating about four different paths. One option outside Smithfield, on the other side of the river, was deemed too expensive as it would require extensive boardwalks. The chosen path through Smithfield is estimated to cost \$8.3 million, though this figure is subject to change. Currently, Greenway construction costs average about \$2 million per mile.

In conclusion, O'Neal added that his team is committed to finding ways to reduce costs and improve efficiencies as they work with Smithfield and other towns on the Greenway project. They will actively seek opportunities to lower expenses throughout the implementation process. He asked if there were any questions from the Board.

Councilman Sloan Stevens asked what was the cost, and whether Smithfield would be responsible for any of it.

O'Neal stated the cost for this project would likely be shared between the town and the county, as both have a vested interest in its completion. This improved trail would enhance safety for users and bring recognition to the area as part of this well-known national Greenway system.

Councilman Sloan Stevens asked if consideration was given to there being a more scenic route. O'Neal stated costs weighed heavily on that decision, noting they did not have all the land easements in place, and also the potential to run into unforeseen issues with underground utilities.

Councilman David Barbour asked for clarification on where the proposed path would connect with the Town's current multi-use paths. O'Neal stated they would eventually provide a County-wide Greenways and master plan which will be finished by the end of next year that will be a spider web of connects to schools, parks and other places of interest.

Mayor Andy Moore asked if the general consensus was that other neighboring Towns were ok with the trail. O'Neal stated that they have had public meetings in Smithfield, Four Oaks and Benson with a pretty good turnout, and there was no heavy opposition.

Councilman Sloan Stevens stated his concern was cost, and not having Smithfield committed to being responsible. O'Neal stated that right now the associated costs are being stated as a place holder until further discussions could be had.

Planning Director Stephen Wensman stated portions of the trail can be built by a developer when they develop land, and that cost would be incorporated into their project. He also stated if DOT has a big project, the trail would also likely be incorporated. As such, parts of the trail would be built incrementally without duplicating it. O'Neal mentioned that there were other groups that could assist with tapping into state funding for the trail, noting one friends group was able to get 2 million to work on a trail in Wilsons Mills.

Councilman David Barbour stated he would like to see the split for the cost that the Town would pay and what the County would pay. Councilman Stevens noted that any municipality resident would effectively be paying for the trail twice, being both Town and County residents. O'Neal stated that the split right now would be hard to tell because the trail is only in a concept phase.

Mayor Moore agreed that the Board need only approve the concept at this point with no commitment to spend money. Mayor Moore noted there are still many pieces to the project that need to come together and on the radar for many years. He further stated that to the Council's point about the potential high cost is valid. There will likely be more discussions before a final decision. If it proves unfeasible, we can't proceed. However, we need to start somewhere. This initiative continues to push the project forward. To seek additional funding, we probably need an endorsement of the plan, which would allow us to pursue major federal, state, and county grants. O'Neal agreed that this was just stating the path's feasibility.

Mayor Moore asked if there were any other questions from the Board. There were none.

Councilman Sloan Stevens made a motion, seconded by Mayor Pro Tem Roger Wood to approve the feasibility study for the Johnston County East Coast Greenway. The motion carried in a 5 to 1 vote, with Councilman David Barbour voting no.

Citizens Comments:

Stephanie Avery of 214 W. Meadowbrook Drive in Smithfield addressed the Board. She wanted to thank the Public Works crew for correcting the drainage in front of her house. Ms. Avery also wanted the Town to investigate putting a four-way stop at the corner of Parker and 1st Street, noting speeding concerns. She also wanted to know the status of renaming Dogwood Street back to Oak Street in Pine Acres. Ms. Avery also commented in jest, asking when the Board would allow citizens to have chickens given the current price of eggs.

Sandra Watson addressed the Council. She displayed her numerous awards and accolades for swimming and stated that she is now disabled. She said her injury was the result of a drunk driver, and that injury has left her in constant pain. Ms. Watson stated that part of her recovery included water therapy, which she has been receiving at the Smithfield Recreation and Aquatics Center (SRAC). She appreciated the SRAC for their regulation lanes and starting blocks. She

stated she taught swimming lessons at a prior location, and when these people found out she was swimming at SRAC, they wanted her to teach their children there. Ms. Watson stated she did not agree with the prices other companies charged for swimming lessons, as she thought them absorbent. She expressed concern with those companies monopolizing the swim lanes, so she went to the Town Manager to complain. She stated she was given as a solution to apply with the Town as a part-time swim instructor. However, due to her current medications with treatment for CRPS using CBD, the drug test came back positive for marijuana. She stated there is no THC in her medications, so the test was a false positive. She asked that her name be cleared and that she be given back the job offer to teach at the SRAC. Ms. Watson added that she has a note from the doctor that states that she has an appropriate medical condition, indicating the use for cannabis products, and that was ignored and denied when they took that job offer away. She felt this was discrimination and a violation of the ADA, and that she has sought legal counsel.

Richard Butner of 106 Cobblestone Ct. in Smithfield addressed the Council. Butner expressed concern over informati he has gathered regarding wetlands stating according to the Wetlands Commission, for every acer of wetlands remove it should be replaced with a certain number acres of wetland in suit. He asked if that was being followed as developers p up developments in Town. He also stated he felt the Council felt no conviction to the community they were elected to represent, unless the development affected property where they lived. Butner stated that the Board would not be around to feel the effects of the decisions made in years' time. He stated it was suspicious how some elected leaders' businesses and companies may lend to self interest in decision making. He expressed concern with Smithfield's rapid scale of residential growth creating the type of community he was trying to move away from, being from California.

Councilman David Barbour made a motion, seconded by Roger Wood to approve the consent agenda as follows. Unanimously approved.

Consent Agenda Items:

1.Approval of Minutes

December 17, 2024 – Regular Session

2.Consideration and request for approval to promote one officer from the rank of Master Police Officer II (MPO) to Police Sergeant

3.Consideration and request for approval to promote one officer from the rank of Police Detective to Police Sergeant

4.Consideration and request for approval to purchase three used vehicles for the Police Department fleet

5.Consideration and request for approval to award contract for designing water line extension: The Town desires to hire an engineering consultant to design the extension of the potable water line across I-95 and to extend the water line to the intersection of Brogden Road and Whitley Farm Road.

6.Consideration and request for approval to award contract to analyze water intrusion: The Town desires to hire an Engineering consulting firm to perform engineering consulting services for the purposes of analyzing the infiltration & Intrusion of the Town of Smithfield's sanitary sewer collection system.

7.Board Reappointments:

- Sarah Edwards has submitted an application for reappointment to the Board of Adjustments as an ETJ Member
- Mark Lane has submitted an application for reappointment to the Planning Board
- Alisa Bizzell has submitted an application for reappointment to the Planning Board and the Parks and Recreation Board

8.New Hire Report

Background

Per Policy, upon the hiring of a new or replacement employee, the Town Manger or Department Head shall report the new/replacement hire to the Council on the Consent Agenda at the next scheduled monthly Town Council meeting.

In addition, please find the following current vacancies:

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Planner I	Planning	10-10-4900-5100-0200
Police Officer (1 position)	Police	10-20-5100-5100-0200
Firefighter I (2 positions)	Fire	10-20-5300-5100-0200
Utility Line Mechanic	PU – Water/Sewer	30-71-7220-5100-0200
Electric Line Technician	PU – Electric	31-72-7230-5100-0200

Action Requested

The Town Council is asked to acknowledge that the Town has successfully filled the following vacancies in accordance with the Adopted FY 2024-2025 Budget.

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Master Police Officer	Police	10-20-5100-5100-0200	\$ 29.59/hr. (\$66,163.24/yr.)
Asst. Aquatics Supervisor	P&R – Aquatics	10-60-6220-5100-0200	\$ 27.80/hr. (\$57,824.00/yr.)
Water Plant Operator	PU – Water Plant	30-71-7200-5100-0200	\$ 17.31/hr. (\$36,004.80/yr.)
Electric Superintendent	PU – Electric	31-72-7230-5100-0200	\$ 45.67/hr. (\$94,993.60/yr.)

Business Items:

one.

Public Hearings:

1. **S-24-07 Buffalo Road Subdivision: Vesta Enterprises, Inc. is requesting a preliminary subdivision of 138.63 acres of land with R-8 CZ designation into 117 detached single-family residential lots. The property considered for approval is located at 1176 and 1200 Buffalo Road.**

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 Sloan Stevens to open the public hearing. Unanimously approved.

Planning Director Stephen Wensman addressed the Board, stating that this plan, submitted by Becker Morgan Group, formerly Adams and Hodge, owned by Guy and Ross Lampe, is consistent with all conditions and stipulations discussed, and aligns with the previously approved conditional zoning. The conditional zoning master plan appears to be the same as before, and is consistent with UDO requirements. The property, zoned R8, contains significant wetlands, wooded areas, and former home sites. The proposal is for entirely single-family detached residential development. The developers are proposing to dedicate 58.79 acres as park land. Wensman further explained that a construction plan will be reviewed according to the UDO and rezoning requirements, with approval of construction drawings as a condition for final approval. He noted that the developers are adhering to the previously established conditional zoning conditions. Wensman presented a phasing plan, indicating the project will be implemented in four phases, though the specific order hasn't been determined. He suggested the area near Bradford Park is likely to be the final phase, but deferred to the developers for more details on phasing. Wensman concluded by stating that staff finds the plat consistent with the adopted comprehensive plan and conditional zoning plan. He outlined staff's opinion of the finding of fact and recommendations for approval based on the finding of fact for subdivisions with eleven conditions as follows:

FINDING OF FACT (STAFF OPINION):

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

1. The plat is consistent with the adopted plans and policies of the town; ***The plat is consistent with the adopted comprehensive plan and conditional zoning master plan.***
2. The plat complies with all applicable requirements of this ordinance; ***The plan complies with all applicable requirements of this ordinance and conditional zoning master plan 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.***

RECOMMENDATION:

Staff recommend approval of the Buffalo Road Subdivision preliminary plat, S-24-07, with the following 11 conditions:

1. That the preliminary plat is conditioned on the staff approval of the construction documents meeting all UDO requirements and conditions of zoning approval.
2. Enhance the landscaping at the development entrances onto Buffalo Road.
3. Dedicate 58.97 acres for parkland with final plat.
4. Provide aeration of the wet (stormwater) ponds to assist with mosquito control.
5. Loop the watermain with the Bradford Park neighborhood (upside to an 8" line if feasible)

6. Provide a fire hydrant beyond the cul-de-sac on the Greenway for fire protection.
7. Include architectural standards as presented with conditional zoning into the homeowner's association (HOA) declarations.
8. Submit homeowner's association (HOA) declarations for the Town Attorney's review.
9. Incorporate the architectural standards into the HOA declarations.
10. Provide decorative street lighting and street signs throughout the development.
11. Provide a 6' high screening fence along the Bradford Park boundary.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the February 4, 2025 agenda packet.

There was general discussion as to whether all conditions were the same as when the conditional zoning was originally granted. Wensman stated he thinks they are all the same conditions, with the exception of the first condition, which addresses the construction.

Mayor Andy Moore addressed the applicant, asking if he agreed with testimony as presented by the Planning Director. Donnie Adams, Engineer with Becker Morgan group of 314 E. Main Street in Clayton, NC, duly sworn, spoke regarding the project. He introduced other engineers, as well the team of developers and traffic experts working with his firm who are handling the planning and engineering on this project. He stated anyone from his team are available to testify as necessary. He offered one correction for the number of units stated in Wensman's presentation, stating that instead of 117 units, there will be 170 units. He stated this number has been consistent throughout the process. Wensman agreed.

Adams addressed the Boards prior concerns regarding the wetlands, stating their design aims to minimize impact. A stream crossing is planned at a point where wetlands narrow, almost to non-existence. The design for this crossing is appropriate. If the project proceeds, the team will work to secure necessary permits from the state and the Army Corps of Engineers, including associated fees. The team can confidently state that they have fully minimized wetland impacts as part of the design process. Adams further noted that their design plan, grading plan, stormwater plan, stormwater system, was created such that they are taking all of the water, and routing it through their stormwater pond. They are not discharging water from the proposed developed area onto the Bradford Park neighborhood, nor increasing anything that flood and storm water situations impact currently.

Mayor Andy Moore asked the Board if there were any further questions for Mr. Adams.

Councilman Steven Rabil asked Adams if in his professional opinion, their grading design would help the residents of Bradford Park with storm water runoff. Adams stated that just by groundwater he believes it will help, but they are not touching anything beyond their property line.

Mayor Moore asked if the storm water management in their development would do anything to *hurt* Bradford Park, as this is a huge concern as the town experiences growth.

Planning Director Stephen Wensman asked Adams what buffer will remain along Bradford Park besides the fence. Adams stated the intention is to leave 10 feet of existing vegetation along with the fence.

Councilman David Barbour asked if there was any water intrusion onto the Bradford Park property from the site as of today to his knowledge. Adams stated that if there is it is so small it's insignificant, and acknowledged their design would improve this in future case, and they would do no harm.

Councilman John Dunn asked for clarity as to Wetlands being regulated by the government. Adams stated there is a very detailed permitting process that that they need to go through. They consistently work with an environmental consultant and have relationships with them. They do design work making sure that it is done according to the rules. They partner with state and federal agencies as they participate with them on preparing permit documents, going through the Corps of Engineers working together for approvals. Wensman noted that this was part of the construction approval plan process.

Mayor Andy Moore asked the Board if there were any further questions for Mr. Adams. There were none. He asked if anyone from the audience that have been duly sworn, wished to speak on the project.

Richard Butner, asked the Board if there was any guarantee that this development will not affect current water pressure, and if so, what measures would be taken to correct it, stating it was bad already. He stated he did not agree with the traffic impact analysis, stating that adding another 700 homes would not help the existing traffic situation, as it is only getting worse. Butner also questioned if there would actually be an 80% reduction in storm water flowing onto Bradford Park, based on the new pavement being added for the development. He asked if the Greenway gets flooded out again, what assurances would be made to correct it, and whether the Greenway trail would go under the road.

Engineer Donnie Adams stated water flow will be good noting the water pressure is a must for fire safety standards. Adams also confirmed that their grading project will reduce the flow of storm water to Bradford Park by 80%. Wensman spoke to Butner's question regarding the Greenway trail path, stating there will be a sidewalk connecting it to Buffalo Road.

There was discussion regarding the water supply—with this new development will come two more connections that will loop creating a good system of flow.

Mayor Moore asked if there was anyone else wishing to speak on the matter. There was no one.

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

Councilman David Barbour made a motion, seconded by Councilman John Dunn to approve subdivision request S-24-07, with the 11 conditions found in the staff report based on the finding of fact for preliminary subdivisions.

The motion carried with a 4 to 2 vote, with Councilman Marlon Lee and Councilman Steve Rabil voting against the request.

2. **ANX-24-02 Local 70 Annexation:** Smithfield Growth LLC has submitted a petition to voluntarily annex 85.85 acres to the Town of Smithfield. This is located at M. Durwood Stephenson Parkway and Booker Dairy Road and also known as Local 70 Subdivision.

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

Planning Director Stephen Wensman is explained that Smithfield Growth, LLC has submitted the petition for voluntary contiguous annexation of 85.85 acres to the Town of Smithfield. The annexation includes the residential portion south of Durwood Stevenson Highway. Wensman stated that on December 17, 2024 the Town Council adopted Resolution 761 directing the clerk to investigate the sufficiency of the petition. It was found to be sufficient. On January 7, 2025, the Council adopted a resolution setting the date for the public hearing for tonight. By statute, the Town is required to have this public hearing. Water, sewer and electric will be extended into the site with a future development, and there will be a pump station plan for the northwest corner for the main lines. The town police department will provide police protection in this area. They're essentially already here with all the neighborhoods on either side. This is already in the town's Fire District. Public Works will provide trash and yard pickup services to the new homes in the development. The new public streets and sidewalks will be maintained. Code enforcement will expand into this area, but they will also have an HOA which makes them virtually fairly self-managed. Pursuant to the statute, the council has to meet these standards, and then they may adopt an ordinance annexing the area described in the petition, either immediately or within six months. Wensman stated staff is recommending adoption of the ordinance, 523-2025.

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

Corey Mavis of Smithfield Growth, LLC spoke as a developer for the annexation. He stated this is the first part of their annexation requests, as the North side is coming yet awaiting civil design. He asked the Board if they had any questions.

Mayor Moore asked Mavis if he agreed with the record as presented by Planning Director, Stephen Wensman. Mavis stated he did agree.

Mayor Andy Moore asked if there were any further questions for the applicant. There were none.

Mayor Moore asked if there was anyone in the audience wishing to speak on the matter, there was no one.

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

Councilman David Barbour made a motion, seconded by Councilman Roger Wood to approve Ordinance number 525-2025, extending the corporate limits of the Town of Smithfield. Unanimous.

TOWN OF SMITHFIELD
North Carolina
ORDINANCE NO. 523-2025 TO EXTEND THE
CORPORATE LIMITS OF THE TOWN OF SMITHFIELD

WHEREAS, the Town Council has been petitioned under NCGS 160A-31 to annex the area described below; and

WHEREAS, a public hearing on the question of this annexation was originally scheduled for January 21, 2025, however the meeting was cancelled due to a winter storm. The public hearing was held in the Smithfield Town Hall Council Chamber located at 350 East Market Street, Smithfield, North Carolina at approximately 7:00 pm on February 04, 2025, after due notice; and

WHEREAS, the Town Council finds that the petition meets the requirements of NCGS 160A-31.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Smithfield that:

Section 1. By virtue of the authority granted by NCGS 160A-31, the following described contiguous property owned by the Town of Smithfield is hereby annexed and made a part of the Town of Smithfield effective immediately.

The legal description of the area proposed for annexation is described as follows:

Beginning at an existing right of way monument, said monument being located in the southern right of way of M. Durwood Stephens Parkway (Public right of way width varies); Thence along said M. Durwood Stephens Parkway southern right of way the following courses and distances: 1) S 89°34'03" E 377.15 feet to an existing right of way monument, said monument having NAD 83 (2011) Coordinates of N: 648,650.44 and E: 2,204,096.63; 2) with a curve to the right, having a radius of 1,850.00 feet, an arc length of 1,517.35 feet and a chord bearing and distance of, S 65°30'42" E 1,475.17 feet to an existing right of way monument, said monument having NAD 83 (2011) Coordinates of N: 648,038.97 and E: 2,205,439.11; 3) with a curve to the right, having a radius of 1,850.00 feet, an arc length of 1,408.41 feet and a chord bearing and distance of, S 20°19'49" E 1,374.64 feet to an existing right of way monument; 4) S 03°02'35" W 338.37 feet to an existing 1" iron pipe, said iron pipe being located in said M. Durwood Stephens Parkway and being the northeast corner of Wal-Mart Real Estate Business Trust, Id No: 14057012D (Deed Book 1751, Page 775); Thence leaving said M. Durwood Stephens Parkway and along the northern line of said Wal-Mart Real Estate Business Trust, N 89°09'23" W 1,023.53 feet to an existing ½" iron pipe, said iron pipe being the northwest corner of said Wal-Mart Real Estate Business Trust and being a point in the

eastern line of Tanisha C. Medina, Id No: 14074002D (Deed Book 6015, Page 691); Thence leaving said Wal-Mart Real Estate Business Trust and along the eastern of said Tanisha Medina, N 00°41'34" E 63.92 feet to an existing ½" iron in concrete, said iron being the northeast corner of said Tanisha Medina; Thence leaving and along said Tanisha Medina and along the northern line of Vu Nguyen, Id No: 14074002E (Deed

Book 3072, Page 971) and Booker Dairy Homeowners Association, Id No: 14074002M (Deed Book 3274, Page 19), N 89°40'00" W 764.38 feet to an existing axle, said axle being in the northern line of said Booker Dairy Homeowners Association and being the southeast corner of Jose Benitez and Jenny Benitez, Id No: 14057016 (Deed Book 5304, Page 733); Thence leaving said Booker Dairy Homeowners Association and along the eastern line of said Benitez, N 01°29'10" E 239.09 feet to an existing 1" iron pipe, said iron pipe being the northeast corner of said Benitez and being the southeast corner of Thomas E. Sullivan and Shirley P. Sullivan, Tanya S. Mustgrave and Shannon S. Haywood, Id No: 14057016A (Deed Book 5424, Page 469); Thence leaving said Benitez and along said Sullivan, Mustgrave and Haywood (Id No: 14057016A) eastern line, N 00°53'22" E 236.70 feet to an existing 1" iron pipe, said iron pipe being the northeast corner of said Sullivan, Mustgrave and Haywood (Id No: 14057016A); Thence along said Sullivan, Mustgrave and Haywood northern line and along Thomas E. Sullivan Shirley P. Sullivan, Tanya S. Mustgrave and Shannon S. Haywood, Id No: 14057015 (Deed Book 5424, Page 472), N 89°40'12" W 468.72 feet to an existing 1" iron pipe, said iron pipe being the northwest corner of said Sullivan, Mustgrave and Haywood (Id No: 14057015) and being located in the eastern right of way of Booker Dairy Road (Public right of way width varies); Thence leaving said Sullivan, Mustgrave and Haywood (Id No: 14057015) and along said Booker Dairy Road eastern right of way the following courses and distances: 1) N 00°01'45" W 731.46 feet to an existing right of way monument; 2) S 89°58'21" E 19.66 feet to an existing right of way monument; 3) N 00°10'53" W 216.42 feet to an existing 1" iron pipe, said iron pipe being located in said Booker Dairy Road eastern right of way and being the southwest corner of Elizabeth Cortes Jaurez and Juan Manuel Perez, Id No: 14057013 (Deed Book 6409, Page 895); Thence leaving said Booker Dairy Road and along the southern line of said Juarez and Perez, S 89°44'14" E 127.14 feet to an existing 1" iron rod, said iron rod being the southeast corner of said Juarez and Perez and being the southwest corner of Margie B. Olsen, Id No: 14057012 (Deed Book 4866, Page 272 and Deed Book 929, Page 45); Thence leaving said Juarez and Perez and along the southern, eastern and northern lines of said Olsen the following courses and distances: 1) S 89°43'49" E 347.00 feet to an existing 36" Pine tree; 2) N 01°01'26" E 558.60 feet to an existing 1" iron pipe; 3) N 89°21'39" W 229.03 feet to an existing 1" iron pipe; 4) S 50°50'06" W 329.90 feet to an existing 1" iron pipe, said iron pipe being located in said Booker Dairy Road eastern right of way; Thence leaving said Olsen and along said Booker Dairy Road eastern right of way, N 00°06'50" W 332.71 feet to an existing right of way monument; Thence leaving said Booker Dairy Road, N 45°35'05" E 69.07 feet to the Point of Beginning, Containing 85.85± Acres.

Section 2. The Mayor of the Town of Smithfield shall cause to be recorded in the office of the Register of Deeds of Johnston County, and in the office of the Secretary of State in Raleigh, North Carolina an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall be delivered to the Johnston County Board of Elections, as required by NCGS 163-288.1
Adopted this the 4th day of February, 2025

M. Andy Moore, Mayor

ATTEST

Elaine Andrews, Town Clerk

APPROVED AS TO FORM:

Robert Spence, Jr., Town Attorney

3. **S-24-08 Local 70 Subdivision:** Smithfield Growth, LLC is requesting a preliminary subdivision with 303 lots (209 single family homes and 94 townhomes) and 324 apartment units, for a total of 627 residential dwelling units. The properties considered for approval are located along M. Durwood Stephenson Parkway east of Eden Woods and north of Walmart.

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 John Dunn to open the public hearing. Unanimously approved.

Planning Director Stephen Wensman addressed the Council stating the proposed subdivision has been designed in accordance with the approved Local 70 PUD Master Plan. He pointed out areas of the proposed development on a map displayed to the Board, noting the developer stayed true to the original intent for the design of the development. Wensman stated they did not have construction plans presently, but noted that there was a tree resource management

ordinance for the heavily wooded site with mature forest on it. He recommended approval of the subdivision request and iterated the following findings and conditions of approval from staff:

FINDING OF FACT (STAFF OPINION):

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

1. The plat is consistent with the adopted plans and policies of the town; **The plat is consistent with the adopted comprehensive plan and conditional zoning master plan.**
2. The plat complies with all applicable requirements of this ordinance; **The plan complies with all applicable requirements of this ordinance and conditional zoning master plan 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.**

RECOMMENDATION:

Recommendation:

Staff recommend approval of the Local 70 Residential Development preliminary plat, S-24-08, with 12 conditions.

1. The preliminary plat approval is contingent on approval of construction documents meeting all UDO regulations and PUD Master Plan & conditions of approval.
2. That required minimum street frontages be provided for all lots in the development consistent with the Rezoning Master Plan Approval.
3. Subdivision entrance signs be shown on the construction plans and that separate sign permits be obtained prior to sign construction.
4. Draft HOA declarations be submitted that incorporates the architectural standards and other PUD CZ conditions of approval. The HOA declarations shall be reviewed by the Town Attorney prior to approval.
5. That the stormwater ponds be aerated.
6. A separate site plan application shall be submitted for the apartment complex.
- ~~7. Eliminate the street stub adjacent to Lot 246.~~
8. Provide an 8' wide public multi-use trail along M. Durwood Stephenson Parkway and 5' wide public sidewalk along Booker Dairy Road.
9. That a 50' setback be maintained along M. Durwood Stephenson Parkway and 35' setback along Booker Dairy Road.
10. All trees in the public right of way shall be maintained & replaced when needed by a homeowners/property Owners Association.
11. The homeowner's association limit parking to one side of streets where street parking is allowed and that the parking stalls be marked in accordance with NCDOT Standards.
12. The fence along Booker Dairy Road and along the Booker Dairy Plantation subdivision be a 6-foot high opaque fence.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the February 4, 2025 agenda packet.

Councilman David Barbour asked for clarity for what would be developed on the lot at the corner of Booker Dairy Road and M Durwood Stephenson highway in phase one. Wensman stated this would be townhomes. Councilman Barbour also wanted clarity for traffic flow and turn lanes in and out of the development that he would defer to the developer.

Councilman John Dunn asked about the intent of staff's ninth recommendation. Wensman stated if there's more ability to add parking as they refine the construction plan, that's what that and that condition is meant to suggest. It's more of a suggestion. He stated he did not know if there is an opportunity to add a few more, but staff is asking it to look for more.

Councilman David Barbour inquired about the parking spaces per resident, noting the 75 overflow parking spaces. Wensman stated it varies, but the developers will meet the standards with 75 overflow spaces.

Mayor Moore asked if there were any further questions for staff from the Board. There were none.

The applicant, Corey Mavis, of Smithfield Growth, LLC addressed the Council regarding the development. He asked the Planning Director to display the map so that he could point out an access point that would no longer be allowed by the department of transportation. He also showed another location where a haphazard U-turn was converted into a true U-turn on M Durwood Stephenson Highway. Mavis stated parking would further be addressed during the construction design review. Mavis noted that during the conditional rezoning process, a fencing screening proposal was presented between the property and the adjacent Bay Hill property to the south, along with a schematic. The plan included houses fronting Booker Dairy Road with an approved landscape detail. The applicant requests consideration of these elements during the ordinance review. Additionally, the tree requirement was discussed. Without a tree survey, the site would require 619 trees. However, with the completed tree survey, the requirement increased to 4,000 trees. He stated he and staff will address and work through this issue, pointing out that there would be no buffer between their site and the residential site as was proposed in the conditional zoning.

Councilman John Dunn asked Wensman if the tree resource management is a part of the UDO. Wensman stated it is part of the landscape ordinance. He stated it has never been an issue before because there was never a site with this

much forest on it. He stated it could be an issue with the other proposed development site that came before the board tonight.

Attorney Bob Spence noted this does not usually come up as part of a subdivision request. Wensman stated he would like recommendations from the Board to address it. Attorney Spence stated the best way to address it is to move forward with action on this request then, if need be, address tree resource management in the future with maybe an ordinance or variance amendment.

Councilman David Barbour asked if the developer had a problem with the 600-tree requirement. The developer, Mavis stated no, only the 4000-tree requirement was at issue. Councilman Barbour asked if the developer planned to flatten the land and replant the necessary trees, or if they would spare trees where they could. Mavis stated they planned to masquerade the site, build, then replant trees to code.

Councilman Sloan Stevens asked what the residents from Bay Hill Drive would see from their back doors. Mavis answered a fence would be put there.

Planning Director Stephen Wensman noted he mistakenly omitted two conditions from his presentation, however they were in the staff report. The additional two conditions were:

- The HOA association will limit parking to one side of streets where street parking is allowed, and that the parking stalls be marked in accordance to NCDOT standards.
- That the fence along Bookerdaury Road in Bookerdaury Plantation subdivision be a six-foot-high opaque fence

Developer, Jody Leidolf of Smithfield Growth, LLC who is from Chapel Hill, NC addressed the Board stating that the designer is open to working with staff and the fire department to address any safety concerns and prevent unauthorized vehicle parking. They're willing to modify or eliminate the design if necessary to ensure safety and functionality. He noted that as designed it accommodates the turning radius of fire trucks, it avoids a typical cul-de-sac layout, it provides public access to trails around the stormwater management pond and it also allows potential access to amenities like the dog park in the stormwater management area. He noted the additional overflow of parking spaces provided may help address any parking issues.

The developer also clarified the landscaping plans for a development project. He explained that the 617 trees mentioned are primarily for street and buffer areas as required by code. However, this number doesn't represent the total trees that will be planted. Additional trees will be added in open spaces throughout the development. Furthermore, individual builders will likely plant more trees on each lot. Leidolf emphasizes that the total number of trees on the site will significantly exceed the minimum code requirements. He expressed a willingness to work with the mayor and town officials to refine the landscaping plans as needed.

Wensman stated after the developer's testimony that he would be willing to eliminate the condition that they eliminate a street stub adjacent to lot 216, which was condition number seven in the staff report on page 158 of the agenda packet.

Mayor Moore asked if there were any further questions from the Board. There were none. He asked if there was anyone in the audience who wished to speak on the issue.

Richard Butner came before the Board again to speak on the matter. He was concerned about traffic and the congestion the development would bring. Attorney Bob Spence reminded Mr. Butner that this was a quasi-judicial hearing, and that his concerns need to be brought to staff and not in this forum and he cited the statute.

Developer Corey Mavis reminded the Board that he had an approved traffic impact analysis for this project with recommendations already incorporated.

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

Councilman David Barbour made a motion, seconded by Councilman John Dunn to approve Local, 70 Residential development preliminary plat S-24-08 with 11 conditions contained in the staff report based on the finding of facts for preliminary plat approval. Unanimous.

Councilmember's Comments: *There were no specific councilmember comments given at this time.*

Town Manager's Report:

Town Manager, Mike Scott asked the Police Chief to provide an update on the status of parking enforcement over the last six months.

Police Chief Pete Hedrick reported that the department has issued 846 tickets this fiscal year, representing an approximately 8% increase from the previous year when they wrote under 100 tickets. The majority of these tickets are written by the civilian traffic enforcement officer, as that is their primary responsibility. While regular police officers can still issue tickets, the PSA is the main driver of this effort. The Chief expressed willingness to focus on specific areas of concern if needed.

Councilman David Barbour emphasized the importance of documenting the increased parking enforcement efforts to counter negative public perceptions. He highlighted that over 800 tickets have been issued, representing a significant increase in enforcement. Barbour wanted to ensure this information was on record to demonstrate that the town is actively

addressing parking issues, not neglecting them. He suggested that anyone with specific complaints should contact the police chief directly for resolution.

Councilman Barbour also emphasized that parking in fire lanes is becoming a significant problem and suggested that both police officers and potentially the fire department should be involved in enforcing parking regulations. He called for increased enforcement efforts in fire lanes at various shopping centers throughout town, noting that while violations occur throughout the day, they are especially prevalent at night.

Chief Pete Hedrick reported that the police department has recently sworn in several new officers, including seven on the night of this meeting. These new hires are currently undergoing a three-month field training process. While it may appear that the department has many officers, Hedrick emphasized that it's a gradual process to get them fully trained and on the streets. He expressed satisfaction with the department's progress and anticipates that once these new officers complete their training and begin regular patrols, the community will see the benefits of increased police presence.

Mayor Pro Tem Roger Wood reiterated areas of concern about illegal parking, noting that some of it could be due to lack of lighting in private parking lots. Chief Hedrick stated part of the Town Manager's current cleanup efforts will help address derelict cars in parking lots throughout town. Mayor Pro Tem Roger Wood stated he did not want anyone to get hurt due to illegally parked cars in fire lanes.

There was also discussion regarding Police Department staffing, noting they are almost fully staffed.

Councilman David Barbour asked if there was any cross-training with the animal control officer, who currently works part time. Hedrick stated all officers can address animal concerns, and the equipment to do so stays at the police department, so they have access to it.

Town Manager Mike Scott asked Public Director Lawrence Davis for an update on the ditch cleaning project.

Public Works Director Lawrence Davis presented an update on the West Smithfield ditch cleaning project: The Council awarded Vision NC a contract on October 15, 2024, to clean ditches on several streets in West Smithfield. The project had two phases: Phase One contracted out, Phase Two to be done in-house. Phase One began November 11, 2024, and was completed and checked by December 6, 2024. Vision NC worked 86 hours, costing \$26,895 for labor, trucks, and fees. The project saved \$73,305, which the council agreed to use for cleaning other clogged drainage pipes. Phase Two, planned for in-house work, involves utility location, trench clearing, excavation, and seeding. Originally scheduled to start in March 2025 to avoid cold weather and be congruent with the growing season, Phase two has been delayed due to the crew leader and main operator being on medical leave. Davis asked if the council agreed to use the excess funds to hire a contractor for cleaning other clogged drainage pipes.

Mayor Pro Tem Roger Wood requested a list of homes that have been done. He stated to Davis that they had spoken about the project coming in under budget, noting that he was not sure every house's ditch had been clean including his own. He also asked why there was a need for contractors.

Town Manager Mike Scott explained that the Street Department, which is responsible for drainage work, is severely understaffed. The department normally has three people and an administrative assistant but currently has one vacancy and another person on family medical leave. This leaves only one person available to handle drainage work, along with the single employee in the Stormwater Department. This significant understaffing is impacting on the department's ability to effectively manage drainage and stormwater issues in the town.

Councilman Rabil stated that if the department is understaffed, jobs like running the street sweeper need to be contracted out. Manager Scott stated they can certainly bring that back before the Council.

Councilman David Barbour noted that Public Works is likely waiting until the growing season starts. He stated he understands this reasoning and agrees with it. He emphasizes the importance of having a clear plan and timeline to communicate to residents who may be asking about the project's progress. Barbour also suggests that if additional help is needed, they should consider contracting out some of the work, as \$100,000 has been allocated for the project and he believes they should use the full amount to complete it effectively.

Mayor Andy Moore stated he felt the general consensus is to a plan and or get some bids to finish the project, and then just bring it back before the Council as an action item so we can go from there. The money is there to complete the project.

Town Manager Mike Scott added that the Town is going through a phone migration and is experiencing difficulties with the process. He said we are working through these issues, the Town is answering calls and appreciates the patience of the public. He stated the new phones should be installed hopefully by Monday. He encouraged the citizens to call if they have a problem and he was sure they would get through.

Closed Session: Pursuant to NCGS 143-318.11 (a) (5) and (a) (3)

Councilman Sloan Stevens made a motion seconded by Councilman John Dunn to go into closed session at approximately 9:45 pm pursuant to NC General Statute 143-318, section(a)(5) and (a)(3). Unanimous.

Reconvene in Open Session

Councilman John Dunn made a motion, seconded by Mayor Pro Tem, Roger Wood to reconvene in open session at approximately 10:50 pm. Unanimous.

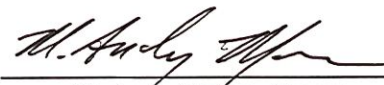
Adjourn

Councilman David Barbour made a motion, seconded by Councilman John Dunn to adjourn the meeting at approximately 10:52 pm. Unanimous.

ATTEST:


Elaine Andrews, Town Clerk




M. Andy Moore, Mayor