

The Smithfield Town Council met in regular session on Tuesday, May 20, 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  
Travis Scott, District 3  
Dr. David Barbour, District 4  
John Dunn, At-Large  
Stephen Rabil, At-Large

Councilmen Absent  
Sloan Stevens, District 2

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 at 7:00 pm.

**INVOCATION**

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

**APPROVAL OF AGENDA:**

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

**PRESENTATIONS: None**

*Town Clerk Elaine Andrews administered the oath of affirmation to all those wishing to speak and offer testimony during the public hearing.*

**PUBLIC HEARINGS:**

- 1. Preliminary Plat - Powell Tract Subdivision (S-25-02):** Swift Creek Road – Lan Development, LLC is requesting approval of the preliminary plat for a 20-lot single family subdivision on 21.24 acres in the R-20A Zoning District. Request to respectfully continue the public hearing for approval.

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

Planning Director Stephen Wensman presented the Powell Tract subdivision request. He stated that it has expanded to 21.24 acres and now includes 20 lots, an increase from the previous proposal. Each lot now meets the new 30,000 square foot septic system requirement. The development includes a blue line stream with a 50-foot riparian buffer and is located near the airport approach zone, which will necessitate a noise disclosure for residents. A 10-foot buffer has been added along the northern property line, and the plan includes an open space stormwater retention area in the southern portion. The developer added two entrances from Swift Creek Road, with sidewalks on one side of the street that will be maintained by the homeowner's association. Wensman stated that the Town's U.D.O. Section 10.11 requires connectivity to adjacent undeveloped parcels. A street stub has been provided to the north, but none in the south. To the south, there is a single-family property with a buffered blue-line stream. He stated the streets are shown to be 34' wide, back of curb to back of curb with standard curb and gutter.

NCD.O.T. has reviewed the development and prefers a single entrance to the development but does not oppose a second. NCD.O.T. will not be requiring any improvements on Swift Creek Road to support the project. The HOA will maintain any sidewalks.

A mailbox kiosk will be located outside the public right of way connected to the public sidewalk with a pull off parallel parking space in the public right-of-way. The development will be served by Johnston County water services; Duke Energy electric services will serve the lots. The developer needs to provide the town with a statement from Johnston County Health Department that a copy of the plat has been submitted to them and approved for septic systems prior to construction plan approval. The project would be developed in a single phase.

Wensman stated the developer has reserved a location on the south side of the southern entrance for a stormwater detention pond. Detention will be required if the development exceeds 24% impervious. The stormwater management plan will be required with the construction plans. The development will be within the Zone A of the Airport and is located at a point where planes circle around at a low elevation. If approved, the



developer should disclose the airport noise with future buyers of lots.

Wensman added that a neighbor to the project, Brooks McCloud, contacted the Planning Office, and he is in opposition to the stub road as he has no plans for future development and intends to put his property in a conservation easement.

Wensman reviewed the finding of fact and staff's opinion for approval of the preliminary plat.

***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.***
- 5. **The developer shall provide a statement from Johnston County Health Department that a copy of the plat has been submitted to them and approved for septic systems prior to construction plan approval.***
- 6. **The developer shall provide a disclosure statement to future buyers of lots about the location of the airport and the potential for airplanes flying overhead and airplane noise.***

Wensman made the following recommendation:

*Staff recommends approval of the Powell Tract Preliminary Plat with conditions:*

- 1. That the subdivision approval shall be contingent on staff approval of the construction drawings and meeting all U.D.O. requirements.*
- 2. Sidewalks shall be maintained by the Homeowners Association in coordination with NCD O.T..*
- 3. The required street yards shall be provided and the street yard landscaping easement shall be provided along Swift Creek Road to protect the landscaping if on private property.*
- 4. The landscape buffer along the northern edge of the development shall be protected with a landscape easement.*
- 5. The developer shall provide a statement from Johnston County Health Department that a copy of the plat has been submitted to them and approved for septic systems prior to construction plan approval.*
- 6. The developer shall provide a disclosure statement to future buyers of lots about the location of the airport and the potential for airplanes flying overhead and airplane noise.*

Wensman stated staff's recommended motion was to move to approve the Powell Tract Preliminary Plat, Case #S-25-02, with 6 conditions found in the staff report, based on the finding of fact for preliminary plat approval. He asked if there were any questions from the Board.

Planning Director Stephen Wensman incorporated his entire record and provided it to the Council in written form in the May 20, 2025 agenda packet.

Councilman David Barbour asked for clarity on the proposed second entrance. Wensman stated when they proposed this new development, they proposed a second entrance, and in talking with D.O.T., they are okay with it. They said they preferred one, but they will allow two. Barbour also referenced the traffic study information, noting how it was distorted due to the bridge closure at the time. Wensman stated he was not sure, but he thought they took that into consideration. Barbour stated it was mentioned that there could also be some traffic improvements if it was part of the Town's U.D.O. He asked if there were already conditions in place. Wensman stated there was nothing in any of the plans that indicate anything more than what they are proposing. The town has no plans to require turn lanes or anything. Wensman stated if the Town had some grand plans or master street plans, they may consider those as part of a recommendation but we do not have anything. Barbour noted that Swift Creek is a D.O.T. road and is also getting to be a busier road being a major exit off Hwy 42 to the Cleveland community. Barbour stated, maybe not on this project, but in the future could they look into making sure there are controls in place that could be sparked by our U.D.O. Wensman stated perhaps if we had a transportation plan that indicates a plan for the area of some future need, but we don't have that. We don't have any projects in the STL. We have nothing out here.

Councilman Travis Scott thanked Wensman for his presentation. He stated as he understands it from a prior presentation of this project, the residents were extremely concerned about the traffic impact, specifically the hazards in a curve in the road. He asked if D.O.T. addressed the issue in any way. Wensman stated staff asked at the planning board's request, for them to specifically comment on safety concerns, traffic incidents, accidents going back, and they responded—there really were not that many and they didn't think it was an issue. Wensman said that letter was in the agenda packet.

Councilman Scott also asked about the buffer and street yard requirements, specifically the minimum setback from the road to the front of the house, given that the lots are larger than the minimum required size. Wensman stated front yard is 35 and the rear setback is 25 and side yard is 10. Councilman Scott asked so 25 plus 10 would be correct from the back of the house to the property line with the buffer. Wensman stated the buffer would be within that 25-foot setback. That doesn't mean they're going to build up to that setback line. It just means they can, and I believe it's either 30 or 35 in the front. So typically, they build the houses to the front, and then depending how long the houses are, that usually varies on the back end. Councilman Scott stated this was part of his concern because the Town generally does not deal with many subdivisions that include septic systems. Councilman Scott stated he thinks there needs to be some type of requirement so it's consistent and equal through there. If not, you could have houses at various depths in the lots, and that may not be appealing. Councilman Scott asked Wensman for his thoughts on the subject based on his analysis of this project. Wensman stated the planning department has minimum setback requirements. Councilman Scott was concerned with the wells on the property along the north side and how they would be affected by septic tanks. Wensman stated the department of health would look at well locations and there are setback requirements for that. Also, one of the conditions of approval is that the septic sites be approved prior to construction. Councilman Scott also asked if the cul-de-sac size is large enough to meet the



standards of an emergency response, saying he thought it would be better as a U shape design. Wensman stated they do meet the emergency service requirements which is a pretty large cul-de-sac. Councilman Scott also wanted to know if the developer was asked to put up a fence on the northern border, and if any natural buffer existing would stay. Wensman stated any natural buffer would stay as much as possible.

Councilman David Barbour asked if there was anything in this proposal that does not meet the Town's U.D.O. requirements. Wensman answered not at this point and they have not yet seen the construction drawings. He added what is being presented at this meeting does meet and exceed standards.

Councilman John Dunn asked if DOT preferred one entrance to control highway entry and reduce vehicle clutter, but didn't find enough concern to make a single entrance necessary, which is why they approved two entrances. Wensman answered yes. Councilman David Barbour expressed concern that two entrances would double the potential for accidents compared to one entrance. He believes DOT likely recommended one entrance due to the road's curve and potential for increased traffic. He suggested two entrances create more opportunities for vehicles pulling out or slowing down, potentially causing safety issues. However, he acknowledged that the two-entrance plan does not violate the town's Unified Development Ordinance.

Mayor Moore asked if there were any further questions for staff. Not seeing any he asked anyone who wishing to speak on the matter to come forth.

Marcus Burrell, attorney for the applicant, addressed the council *he was duly sworn in by the Town Clerk*. He stated that DOT experts determined no significant traffic increase or need for turn lanes. The attorney argued that while adding 20 houses will naturally increase traffic, experts have evaluated the project and determined there won't be a statistically significant traffic increase. He emphasized that for quasi-judicial hearings, only expert testimony can be considered regarding traffic impact, and the key question is not just whether traffic increases, but whether that increase poses a genuine danger. He stated NCDOT have the experts. Their experts say we do not need a turn lane. Their experts say we are okay with two entrances. Their experts are telling you that this is okay, and as Mr. Wensman stated, this application meets and exceeds all of your U.D.O. requirements. He also stated the developer, Mr. Dalton expressed no objections to the proposed conditions. The applicant also expressed willingness to remove the northern stub road.

Mayor Andy Moore asked Burrell if he agreed with the presentation given by Planning Director. Burrell stated he does, and did not wish to add anything further.

Attorney Burrell asked for testimony from engineer, Jerry Dalton. The attorney asked Jerry Dalton to explain the differences between the original application and the current application, and how those changes impact the development of the area.

Jerry Dalton, the engineer for the project, addressed the Council, *duly sworn in by the Town Clerk*. Jerry Dalton explained the key differences in the subdivision plan. Initially, they used old code with 20,000 square foot lots and a single cul-de-sac. Now, they've incorporated two parcels, increased lot sizes to 30,000 square feet, and added a second entrance. The developer added 10 more acres while only increasing the lot count by two or three. Dalton emphasized the benefits of two entrances, including better emergency vehicle access and circulation. He noted that having two entrances allows less traffic density at each ingress/egress point. The additional acreage helps with impervious surface and runoff management. Regarding the stub road to the north, Dalton said if removed, they would simply absorb the land into larger lots and create a buffer. He stressed that the lots aren't finalized until Environmental Health approves the septic system locations, which may impact house placement. Dalton confirmed the plan meets or exceeds all town U.D.O. requirements and was developed in close consultation with the planning department.

The attorney confirmed that if the stub road is removed, the development would have a cul-de-sac similar to the one on the south side, with just a connector between the two. He noted the buffer, which appears light blue on the maps, borders Swift Creek Road to the west and the northern parcels. Dalton agreed. Burrell added that would be one continuous buffer all the way across the top of the stub to the North Road. Burrell stated there were questions and concerns, especially from the property owner to the north, regarding the location of septic and being close to his well. Burrell asked Dalton, if there has to be compliance with county requirements and setbacks for that. Dalton emphasized that even after council approval, the lots are not finalized until Environmental Health inspects and approves the septic system locations. He explained that the dotted lines showing setbacks represent a large area with flexibility for septic placement. While the council can approve the preliminary plat, the lots aren't truly complete until Environmental Health confirms they are suitable for development.

Attorney Jerry Dalton stated the property is zoned R-20, which allows single-family residences, and confirmed there is no plan or need to rezone the property. Dalton agreed, stating it will be as proposed here tonight, which is going residential. It's going to have 30,000 square feet up from the 20,000 we had initially. And based on the new U.D.O.

Burrell reiterated with Dalton that NCDOT was sufficiently sought and contacted regarding the development. Dalton stated yes, they reviewed historical and recent traffic counts. He stated that DOT typically considers turn lanes when developments reach 20 lots, and since this project does not exceed 20 lots, it meets DOT's standard approval criteria.

The attorney asked Dalton to confirm that the development aims to maintain good relationships with neighboring property owners, keep the blue line stream clear, and design runoff to flow into a stormwater detention area that must be approved by the county. Dalton confirmed that all their plans must be reviewed, both by the county and the town's stormwater consultant. He emphasized that they always meet the requirements, have never asked for exceptions, and consistently comply with the town's standards.

Attorney Burrell asked the Council if they had any questions.

Mayor Andy Moore asked what firm Dalton was with. Dalton stated Dalton Engineering Associates of Clayton. Dalton stated he was the owner and a professional engineer.



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

Councilman Scott asked about the previous discussion of the stub road, noting that the northern property and southern piece were previously described differently. He expressed concern that the council was not given the full truth about the property's status, specifically asking what actually happened with the southern piece that was previously said to be sold. Burrell stated I believe it was under contract with someone else that did not go through, and the developer took the opportunity when the original contract fell through to be able to acquire this piece and expand the development.

There was debate about the northern stub road, with some council members suggesting it could be removed. However, Town Attorney Bob Spence advised that the U.D.O. currently requires the stub road and it could not be removed without amending the ordinance. Councilman Barbour agreed that the rules must be followed as they are written and in place now, and we must follow the U.D.O.

Councilman Travis Scott asked if the developer had any plans to sell lots, or was it their plan to develop the property. Burrell answered they were going to develop the properties and sell completed lots, completed houses. Councilman Barbour asked if they were building to their specific design. Burrell answered it was their design houses.

Mayor Moore asked if there was anyone else wishing to speak on this matter.

Angie McClure, a resident across from the proposed development stated she was not a favor of this development. She stated she did not feel the plat design was in keeping with the neighboring properties. She expressed concerns about farmland loss, environmental impacts from septic systems, traffic safety, and stormwater runoff. She questioned why neighboring property owners were not notified of the hearing. Wensman stated property owners contacted lived within 350 feet of the development. Angie McClure asked if the developer withdrew their plans could the U.D.O be changed prior to new plans being brought forth.

Attorney Bob Spence explained that the Unified Development Ordinance (U.D.O.) is like a legislature that sets rules. Changes to the U.D.O. must go through a specific process involving advertisement, planning board review, and careful procedures to ensure fairness and prevent favoritism. He emphasized that the rules are developed for the entire Smithfield area and are designed to address connectivity issues and potential future land uses that cannot be predicted 30 years in advance. Spence noted that while the council could potentially change U.D.O. rules later, any changes must follow a uniform, transparent process to prevent cherry-picking or special treatment for specific developments.

Mayor Moore added to this discussion, stating he was not advocating one way or another. Moore stated the stub road's potential future importance, emphasizing that while the current property owner may not want to develop the land, circumstances could change quickly. He noted the property could be sold or go under contract at any time, and the stub road provides potential future connectivity. Moore pointed out that they don't know what might happen to the property in the near future, and the stub road requirement exists to prevent forcing all future traffic onto the main road. He stressed that the stub road provision is about long-term planning and potential future development, even if the current owner has no immediate plans to develop the land.

Angie McClure asked if the town could require turn lanes. Mayor Moore explained that the town is limited by North Carolina General Statutes in what requirements they can impose on developers. He noted there is current legislation that would further restrict the town's ability to require additional improvements beyond what DOT mandates. Moore emphasized that the town is increasingly being "handcuffed" in terms of what they can require from developers, and both the town and citizens are constrained by these emerging legislative restrictions. He added that there is legislation in the works right now that aims to limit the Board's authority in this regard. He thanked Ms. McClure for her comments and concern.

William Fred McClure Jr., another nearby resident, passionately argued that the development would create dangerous traffic conditions on Swift Creek Road, predicting someone would be killed or injured within a year if turn lanes are not added.

Mayor Moore asked if there was anyone else wishing to speak on this matter. There was no one. He asked the Council if there were any further questions or comments.

Councilman Scott expressed confusion about the stub road requirement, questioning why the UDO mandates a stub road to the north when no similar requirement was made for the southern portion of the property. He acknowledged the UDO's requirement but found the application inconsistent, highlighting his ongoing bewilderment with how these requirements are applied. Wensman stated someone is exploring building on the lot to the south right now. Councilman Scott stated this was not the case the last time this item was heard. Wensman stated that was a misunderstanding. Councilman Scott agreed. Wensman explained that the southern property was previously thought to be sold, but was actually under contract. He noted it's a single-family home property with limited buildable area due to a blue line stream. He confirmed recent activity on the property, including soil testing and a landowner inquiring about tree removal. Wensman stated they are in communication with the landowner, and a home is expected to be built in the near future.

Councilman Scott acknowledged Mr. Spence's legal explanation but emphasized that council service often involves considering opinions and negotiable factors. He wanted the record to show that the applicant does not want the stub road, and some parties object to it. He suggested the council should take these perspectives into consideration if this case passes.

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



*Councilman John Dunn made a motion, seconded by Councilman Stephen Rabil to close the public hearing; Unanimously approved.*

The Board did not vote on the individual finding of fact for this case.

*Motion made by Mayor Pro Tem Roger Wood to approve the Powell Tract preliminary plat case number S-25-02 with 6 conditions found in the staff report based on the findings and facts for the preliminary plat approval.*

Councilman Scott added discussion with a suggestion that the council should go on record acknowledging the UDO's requirement for the stub road is not a new issue. He proposed that the council review whether the requirement should be modified to just an easement or remain a permanent street. Councilman Scott added that the issue should come back before the Planning Board and the Council. The mayor stated that he had no objections to that.

*The Motion made by Mayor Pro Tem Roger Wood to approve the Powell Tract preliminary plat case number S-25-02 with 6 conditions found in the staff report based on the findings and facts for the preliminary plat approval--was seconded by Councilman John Dunn. The motion carried 4-2, with Councilmen Travis Scott and Marlon Lee voting against approval.*

Conditions re-stated:

1. *That the subdivision approval shall be contingent on staff approval of the construction drawings and meeting all U.D.O. requirements.*
2. *Sidewalks shall be maintained by the Homeowners Association in coordination with NCD.O.T..*
3. *The required street yards shall be provided and the street yard landscaping easement shall be provided along Swift Creek Road to protect the landscaping if on private property.*
4. *The landscape buffer along the northern edge of the development shall be protected with a landscape easement.*
5. *The developer shall provide a statement from Johnston County Health Department that a copy of the plat has been submitted to them and approved for septic systems prior to construction plan approval.*
6. *The developer shall provide a disclosure statement to future buyers of lots about the location of the airport and the potential for airplanes flying overhead and airplane noise.*

## **2. Preliminary Plat – Heritage Townes at Waddell (S-25-03): Samuel O'Brien (Shovel Ready Johnson, Inc) is requesting the preliminary plat of Heritage Townes at Waddell, a 17-unit townhouse development on 1.88 acres of land in the R-8 Zoning District.**

*Town Clerk Elaine Andrews administered the oath of affirmation to all those wishing to speak and offer testimony during the public hearing.*

*Councilman Stephen Rabil made a motion, seconded by Councilman David Barbour, to open the public hearing unanimously approved.*

Planning Director Stephen Wensman explained the property considered for approval is comprised of three detached single-family lots. There is an existing home and shed that will be removed by the project. An existing three-foot-high metal barbed wire fence runs along the property line. There's an existing 20-foot-wide sanitary sewer easement that runs north to West that will be replaced and we don't drive. There is an 18-foot-wide road with drainage ditches on the sides with no sidewalks. Wensman stated this was a special use permit request several months ago. This is the second time you've seen this, and that special use permit was approved. This is just the next step in the process in order to actually begin construction. There are three town-house buildings proposed, a three unit, a six unit and an eight unit. Access to the development is from a single drive off of Waddell to a center court area. The developers proposed seven overflow parking spaces in that center courtyard area, and there's also a cluster mailbox. There's a sidewalk that wraps around the outside of the entire development, almost a recreational type amenity. There is a stormwater pond to the northwest.

Wensman continued, he described the Heritage Townes at Waddell development, detailing that individual lots will be sold with common areas for parking, stormwater pond, and open space. Each unit will have distinctive shed roof dormers and fenced front yards. The architectural materials include lap siding, vertical siding, board and batten, and metal corner trim. Units will be 22 feet wide by 28 feet deep, with lot dimensions of 22 by 63 feet deep. Each unit will have three bedrooms and two baths. The development includes a 10-foot-wide type A buffer on sides and rear, a 50-foot street yard, and a 35-foot perimeter building setback.

Planning Director Stephen Wensman explained that the Heritage Townes at Waddell project meets or exceeds the town's 30-foot building separation requirements outlined in the U.D.O. A transportation engineer was sought during the special use permit process, and it was determined to be a low-level traffic impact to Waddell Street with the addition of this development. This was also reviewed by the Town engineer. Trash for the townhouse development will be in roll-out containers, which the developer plans to store in garages. If not stored in garages, the containers must be screened from the public right-of-way. Parking will be two cars per unit, plus seven overflow spaces in the center area. The HOA will maintain all common areas and amenities. The developer has nearly completed construction plans, which include a relocated sanitary sewer line and a monument sign. Wensman noted the project meets the four required findings of fact and recommended approval with one condition: that construction plans meet all conditions of a preliminary plat and the Unified Development Ordinance.

Wensman presented staff's finding of fact:



**STAFF FINDING OF FACT (Staff opinion):**

The Town Council shall issue a special use permit if it has evaluated an application through a quasi-judicial process and determined that (Staff's opinion in Bold/Italic):

1. The plan is consistent with the adopted plans and policies of the town; The preliminary plans are consistent. ***The site is guided in the comprehensive plan for medium density residential which includes townhouse development.***
2. The plan complies with all applicable requirements of this ordinance; ***The preliminary plat is in accordance with the town's Unified Development Ordinance (UDO).***
3. There exists adequate infrastructure (transportation and utilities) to support the plan as proposed; ***There is adequate water, sewer, electric and transportation infrastructure to support the development.***
4. The plan will not be detrimental to the use or development of adjacent properties or another neighborhood uses. ***The plan will not be detrimental. The development will face outward and will be properly buffered as required by the UDO.***

Wensman presented staff's condition and recommended motion:

Planning Staff recommend approval of S-25-03 with the following condition:

1. *That the preliminary plat approval is contingent on staff approval of the construction plans that meet all conditions of the special use permit and Unified Development Ordinance requirements.*

**RECOMMENDED MOTION:**

"Move to approve the Heritage Townes at Waddell preliminary plat, S-25-03, with one condition based on the finding of fact for preliminary subdivisions."

Mayor Andy Moore questioned if the one condition was necessary—given all developments must comply with the Town's U.D.O. Wensman stated approval was contingent on staff's approval of the construction plans. Mayor Moore asked if there was a time period on the construction. Wensman stated there is not one. Mayor Moore suggested that if the item is approved tonight, that the two-year period of vested rights interest will begin from tonight, if it so pleases the Board.

Mayor Moore asked if there were any questions from Council. Councilman David Barbour asked for confirmation that there were no changes at all since the last time the item was heard. Wensman stated the construction plans are exactly what the developer said they would do.

Mayor Moore asked if there was anyone present wishing to speak on the matter.

The applicant, Sam O'Brien, of Winter Drive, Raleigh, spoke on behalf of the development. He concurred with the testimony given by Planning Director Wensman. He stated he has been working on this project for a little over a year now. He said he was ready to answer any questions. There were no questions from the Board.

No members of the public spoke on this item.

Councilman Scott asked about the trash container arrangement, specifically wondering if a buffered dumpster area was the applicant's choice or a staff recommendation. He questioned whether this would be necessary since the residents planned to store trash containers in their garages. Wensman explained that during the special use permit, a condition was added requiring trash containers to be screened from the street if not in garages. While the developer plans to store containers in garages, they haven't shown a corral or screened area. However, the condition remains in place in case storage plans change. Councilman Scott asked if plans could later change to add a dumpster. Wensman stated since these are single family occupant homes, they all pay for trash and get town roll out containers.

*Mayor Pro Tem Roger Wood made a motion, seconded by Councilman Stephen Rabil to close the public hearing; Unanimously approved.*

*Motion made by Councilman David Barbour to approve the Heritage Town at Waddell preliminary plat S-25-03 with the one condition based on the finding of fact for preliminary subdivision and vested 2-year rights beginning tonight. Seconded by Mayor Pro Tem Roger Wood. Motion carried unanimously.*

Condition re-stated:

1. *That the preliminary plat approval is contingent on staff approval of the construction plans that meet all conditions of the special use permit and Unified Development Ordinance requirements.*

**CITIZEN'S COMMENTS:**

Three citizens addressed the council during this portion of the meeting:

- Lindsay Bean expressed concern about the lack of animal control laws in Smithfield, particularly regarding dog limits and kennels in residential areas. She described a situation with multiple dogs being kept in poor conditions at a nearby property and urged the council to consider passing stricter regulations.
- Stephanie Avery requested that Oak Street between Market Street and Dogwood be changed back to its original name. She also suggested adding speed bumps on Martin Luther King Jr. Street and other areas to slow traffic. Lastly, she asked the council to consider allowing solar panels for citizens and to look into more renewable energy sources for the town.



- Edward Barfield complained about ongoing flooding issues at the intersection of Fourth and Caswell Streets. He expressed frustration that recent work seemed to be focused on the wrong area and questioned why equipment was left idle for days, causing traffic disruptions.

## CONSENT AGENDA:

*Councilman David Barbour made a motion, seconded by Mayor Pro Tem Roger Wood, to approve the following items as listed on the Consent Agenda; Unanimously approved as listed below:*

1. Consideration and request for approval to adopt Resolution No. 775 (14-2025) adopting policies to comply with the ARPA CSLFRF Award Requirements
2. Approval of Minutes
  - a. March 18, 2025 – Regular Session
  - b. March 18, 2025 – Closed Session Minutes (Under Separate Cover)

## BUSINESS ITEMS:

1. Consideration and request for approval to enter into an agreement with Electrical Consulting Engineers, Inc. in the amount of \$75,000 to design upgrades to the Hospital Road delivery point 1.

Public Utilities Director Ted Credle presented this item, explaining it was part of the town's long-term plan to modernize the electric distribution system. He described the current setup of the Hospital Road delivery point and the need to upgrade it to a more modern, single-yard substation similar to the one on Brogden Road. Credle noted that Duke Energy is phasing out the 115 KVA transmission lines in favor of 230 KVA, necessitating this upgrade.

Credle requested approval to engage Electrical Consulting Engineers, Inc. for initial design services, not to exceed \$75,000. He emphasized this was just the first step in a multi-year, multi-million-dollar project that would likely require a loan in the future. Credle stated he would be happy to answer any questions from the Board.

Councilman Scott asked Ted Crater how long the electric delivery point upgrade project would take, noting it seems to be a longer project than currently planned in the budget. Ted Credle estimated the electric delivery point upgrade project would take three to five years. He explained that most time would be spent on design, regulatory approvals, and coordination with Duke Energy. The actual construction would likely take about a year, with Duke wanting to minimize on-site temporary equipment to less than a year. The preparatory work and regulatory processes could take an additional two to three years before actual construction begins. Scott asked if the money that the Town will save from paying off a power plant debt in July 2025 could potentially help pay for this project. Credle answered yes.

Councilman Scott asked if Credle know of a definitive amount for the project, noting Credle stated "millions". Credle stated once they know the full scope of what it is going to take, then there could be a cost estimate. He added he would bring it back before the Council at every level to ensure the town is not going blindly into an agreement. Councilman Scott asked if the funds requested would come from this fiscal year's allocated budget. Credle stated this has already been approved as part of this year's fiscal budget. Councilman Scott asked if this work would make the system more stable much like the voltage conversion in the south. Credle explained that the long-term goal, 10-20 years from now, is to create a system where during an outage, the entire town's load could be swapped out, resulting in even smaller outages. This is the ultimate objective of the project. The mayor added and agreed that this was part of the original plan. Stabilization redundancy.

Councilman Stephen Rabil asked Ted to clarify a time frame. Credle explained that Duke Energy's timeline has shifted. Originally, they planned for conversion by 2025, but COVID and other towns' conversions caused them to back off. About a year ago, Duke contacted Smithfield to confirm they were still planning the conversion. After discussing the current plan at a conference, a Duke representative (Sam Stevenson) was enthusiastic and promised to set up a meeting. Credle anticipates bringing everyone together in July to discuss the project's scope once they have a consultant.

There was some discussion about the distribution and the switch over. Councilman Travis Scott asked Credle whether he has checked the references for the company doing the work, and found them reputable. Credle stated he knows they have done some work in Clayton and in East Lumberton.

Councilman Stephen Rabil asked if any security concerns were being addressed with this project. Credle addressed security concerns about the electric delivery point, noting its location next to public works and utilities makes it relatively safe and hidden. He candidly admitted that if someone truly wants to cause harm, they will find a way. However, he suggested some low-cost security improvements like better fencing and installing cameras as practical steps to enhance security.

*Motion made by Councilman Travis Scott to approve the request based on the presentation and budgeting criteria. Seconded by Councilman Stephen Rabil. Motion carried unanimously.*

Mayor Moore emphasized the critical nature of the electric distribution upgrade project, which has been ongoing for a long time. He asked staff to explore grant opportunities and federal funding to help offset costs. Moore acknowledged the project's importance and expressed hope that it will eventually be completed, noting it feels like the project has been in progress for decades.

2. **Harvest Run Vested Rights Extension Request:** The developer of Harvest Run, is requesting an extension of the vested rights for the project. Harvest Run is a residential development with 96-detached single-family lots and 69-townhouse lots that received conditional preliminary plat approval on December 7, 2021. The two-



year vested rights will expire on June 12, 2025, unless extended by the Town Council.

Planning Director Stephen Wensman presented the request from the Harvest Run development for a one-year extension of their vested rights. Wensman described the Harvest Run development, located next to Marin Woods on NC 210, which includes 96 detached single-family lots and 69 townhouse lots. The plan was originally approved on December 7, 2021, with construction plans approved on June 12, 2023. The two-year vesting period would typically expire on June 12, 2025. The developer is requesting a one-year extension to June 12, 2026, though they have not explained why development has not yet begun. Wensman noted the council can extend vesting rights up to five years and is seeking a decision on the request. He asked the Board if there were any questions.

Councilman Travis Scott asked where the project stands right now, and have they broken ground. Wensman explained that the developer has had construction plan approval for a long time. He has spoken with their engineer, questioning whether the project is dead or alive, and the engineer suggested the project is not dead. However, they have not yet started construction and appear to be planning to begin sometime next year.

Councilman Scott asked, if they have obtained the permits for sewer capacity for this project. Wensman deferred the question to the developer, who was present to speak on behalf of the request.

Brain Massengill of Angier, NC, the developer addressed the council. He explained that while they remain committed to the project, they are trying to time the market correctly, particularly for the townhome portion. He assured the council that all permits and approvals were in place, but they wanted additional time to ensure the project's success.

Mayor Moore asked if the developer was asking for a one-year extension. Massengill stated yes.

Councilman David Barbour asked the developer to clarify the layout. Massengill stated in the front are the Townhomes and then you cross the creek and the single-family homes are in the back. Councilman Barbour asked why could the project not start with the development of single-family homes in the back. Massengill stated this would not be economical due to the sewer outfall across the back of Marin Woods. It comes through the town-home portion of the project. It wouldn't be economic in the best interest to build to the back and then have to put in infrastructure to get through the town homes with the sewer anyway.

Councilman Travis Scott asked if Massengill has marketed the project in totality to try to sell it. Massengill stated they are under contract with a builder that would not allow them to market it. The builder, Brian Massengill added that they are not a builder-developer, but a development team that has worked with a builder for 30 years, developing over 20,000 lots. They are trying to time the project carefully to minimize market risk. The mayor stated that slowing down to consider things may not be a bad thing.

It was discussed that there were no changes in the project, nor any surrounding development since the initial vested rights were granted.

*Motion made by Mayor Pro Tem Roger Wood to extend the vested rights for 12 months for Harvest Run. Seconded by Councilman John Dunn. Motion carried unanimously.*

### **3. Consideration and request for approval to authorize the Mayor to execute a Memorandum of Understanding regarding a regional water system collaboration among municipalities in Johnston County**

Town Manager Mike Scott presented this item, explaining it was a continuation of discussions about potentially creating a regional water and sewer authority. He emphasized that signing the MOU would not commit the town to any funding or to joining an authority, but would allow Smithfield to continue participating in discussions.

Mayor Moore discussed the memorandum of understanding for regional water system collaboration, emphasizing that the document does not commit the town to anything substantial. He highlighted that the goal is to continue participating in discussions about regionalization, which is a common topic at state and federal levels. Moore stressed that while regionalization is often discussed, Smithfield would not be bound to anything without further detailed information. He noted the town's proactive approach to water infrastructure expansion and the importance of being at the table for discussions. Moore thanked Councilman Scott and Councilman Stevens for their work on the committee and suggested that the MOU simply allows Smithfield to continue being part of the conversation without making any financial commitments.

Councilman Scott shared his perspective from serving on the regional water system committee. He emphasized that Smithfield has been a good neighbor regarding water and sewer infrastructure. While the town has successfully expanded its water plant, Scott noted concerns about sewer rates and ownership. He stressed the importance of continuing to work with other communities and the county, maintaining a voice in discussions. Scott highlighted that the current MOU involves no financial obligations and that Smithfield has water capacity to serve its needs. He advocated for being a good neighbor while carefully considering future implications.

Councilman Barbour expressed support for collaborative discussions but cautioned against losing control of the town's water infrastructure. He emphasized that Smithfield strategically developed its water capacity to provide a competitive advantage for builders. Barbour stressed the difference between cooperation and surrender, noting the town's previous loss of the sewer facility. He advocated for being a good neighbor and sharing water resources without surrendering ownership or control of the facilities the town has invested in. Barbour warned against potential future complications and urged careful consideration of any collaborative efforts to ensure the town maintains its strategic advantages.

Mayor Moore agreed with Councilman Barbour's points, noting that Smithfield is already practicing a form of regionalization by providing water to the county through its existing facility. He emphasized the importance of treading carefully in discussions and ensuring the town does not enter into any binding agreements without careful consideration. Moore explained that the MOU allows for continued participation in discussions, particularly for municipalities seeking to expand their water services, while maintaining the town's ability to make future decisions



about participation.

Councilman Barbour suggested that if other municipalities need water and come to Smithfield, it creates an opportunity and competitive advantage for the town. He cautioned that full regionalization might eliminate this advantage by sharing resources with everyone. Barbour noted there are costs to consider and raised the question of whether Smithfield has grown enough to share its resources with other communities, acknowledging this is a complex issue that cannot be fully answered immediately.

Councilman Scott explained that discussions among towns in the regional water system initiative focused on understanding potential benefits. He noted that other communities, like Clayton, share similar concerns about infrastructure. Scott emphasized that the current MOU involves no financial commitment and that future conversations will be critical. He stressed the importance of ensuring enterprise funds remain balanced and protecting end-users from potential rate increases. Scott highlighted the need to consider capacity fees and maintain careful oversight while being open to collaborative discussions and maintaining ownership of assets.

*Councilman Travis Scott made a motion to adopt the MOU, seconded by Councilman John Dunn. Motion carried unanimously.*

#### **4. FY 2025-2026 Budget Discussions**

No specific budget discussions took place during this meeting, as a separate budget meeting had been held the previous night.

### **Councilmember's Comments**

Councilman Scott inquired about the status of the Fourth Street stormwater project and expressed concern about road closures without visible work being done. Public Works Director Lawrence Davis explained the delay on the Fourth Street project was due to water issues and rain. They dug a hole for a pipe and needed to wait for it to dry out to properly compress the area. They plan to resume work Wednesday through Friday, with the project expected to be completed by then. He noted they started from Bridge Street because of a larger pipe and a covert inlet, explaining that they must begin at the lowest point and work upward to address the drainage issue. Mayor Moore emphasized that the town budgeted for and planned a comprehensive drainage solution, not just addressing Caswell Street. He suggested that based on staff recommendations, they are fixing the entire process correctly. Moore noted they could have simply focused on Caswell but instead chose to address the broader drainage issue. He recommended that someone contact the citizen who raised concerns to explain the full scope of the project and the reasoning behind the comprehensive approach.

Councilman Travis Scott also asked for an update about the missing sign at the police department for the internet trade zone. Police Chief Hedrick stated the sign is being replaced.

### **Town Manager's Report**

Manager Scott asked Fire Chief Jeremy Daughtry to discuss the Run for the Wall event as well as the smoke detector initiative coming up in June. Daughtry stated that the annual smoke alarm canvass on June 7th, where the fire department will install smoke detectors in several neighborhoods. The Fire Chief spoke about the Run for the Wall event, where motorcycle riders traveling across the country to the Vietnam Veterans Memorial in Washington, D.C. will be staying overnight in Smithfield on May 24th.

Manager Scott also extended an invitation to a retirement party for Jan Ashley, who is retiring from Parks and Recreation after 20 years of service. The event will be held on Thursday, May 29th from 3 to 6 PM at the SRAC.

Councilman Stephen Rabil asked if the Manager knew how long the street sweeper would be out. The Manager stated he was not sure. It's an electrical issue that is currently under repair.

Mayor Pro Tem Roger Wood asked about transferring an old ATV from the police department to the parks and recreation department. Police Chief Hedrick had no objections.

Councilman Marlon Lee expressed frustration with ongoing safety concerns. He mentioned discovering the splash pad was running and questioning why there was no communication about its activation. Lee highlighted the lack of safety features at the park, noting a previous discussion about safety that was not addressed in the current budget. He pointed out a pile of dirt at Smith Collins Park that had been sitting for three weeks, with children playing on it unsafely. Lee also mentioned unresolved issues with street lights being out in East Smithfield. He emphasized his ongoing concerns about safety and the need for more proactive communication and action from the town.



**Adjourn**

*Mayor Pro Tem Roger Wood made a motion, seconded by Councilman John Dunn, to adjourn the meeting at approximately 9:38 pm. Unanimously approved.*

  
\_\_\_\_\_  
M. Andy Moore, Mayor

ATTEST:

  
\_\_\_\_\_  
Elaine Andrews, Town Clerk