

The Smithfield Town Council met in regular session on Tuesday, July 15, 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
Sloan Stevens, District 2
Travis Scott, District 3
John Dunn, At-Large
Stephen Rabil, At-Large

Councilmen Absent
Dr. David Barbour, District 4

Administrative Staff Present
Michael Scott, Town Manager
Kimberly Pickett, Assistant 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:

Councilman Roger Wood made a motion, seconded by Councilman Stephen Rabil, to approve the agenda as amended as follows. Unanimously approved.

Add to Presentations:

- *Item 2 - Proclamation – Recognizing July 2025 as Independent Retailer Month in the Town of Smithfield*

Add to Consent Agenda Items:

- *Item 5 – Consideration and request for approval of Resolution No. 779 (18-2025) authorizing the sale of real property located at 204 Britt Street, Smithfield, NC through the Upset Bid Process in accordance with NC GS 160A-269*

Move Citizen's Comments:

- Councilman Travis Scott suggested moving *Citizen's Comments* to after *Presentations Item 2*

PRESENTATIONS:

1. Discussion and consideration for the process to fill the District One Councilmember seat vacancy.

Town Manager Mike Scott presented the process for filling the District 1 Councilmember seat vacancy. The application period will open at 8:00 a.m. the day following the meeting and close at 5:00 p.m. on August 1, with applications to be submitted to the Town Clerk. At the August 5 council meeting, the mayor will announce the candidates and set a date for a public meet-and-greet. If only one qualified applicant is received, the council may choose to appoint that individual at the August 5 meeting. If multiple candidates apply, each will have five minutes to address the council at the August 19 meeting, followed by one question from each council member. The council will then use a ballot process to narrow the field to two candidates, and ultimately select one. In the event of a tie, the mayor will cast the deciding vote, per Town Charter. The appointed councilmember will be sworn in immediately and serve until the November election, with the elected individual to be sworn in at the December 2 meeting. The Manager asked the Board if there were any questions.

Mayor Andy Moore recommended that the council make the District 1 Councilmember appointment at the August 19 meeting, as specified in the agenda and public notices, to ensure the process is clear and to avoid any confusion.

Councilman Travis Scott asked for clarification on application submission methods, confirming that applications could be mailed, dropped off, or emailed to the clerk, but not submitted through an online fillable form. He also emphasized the importance of community involvement, particularly through a meet-and-greet event for candidates Town Manager Mike Scott and Mayor Pro Tem Roger Wood also contributed to the discussion, confirming details of the process and timeline. Mayor Andy Moore calling for a motion to approve the process as stated, with the appointment to be made at the August 19 meeting.

Mayor Pro Tem Roger Wood made the motion, seconded by Councilman John Dunn to approve the District 1 Town Councilman seat appointment process. Unanimously approved.

Mayor Andy Moore suggested posting an outline of the process in the Town’s social media. He also stated interested citizens may reach out to the Manager or the Clerk with any questions regarding the process.

2. **Proclamation Recognizing July 2025 as Independent Retailer Month in the Town of Smithfield.**

Mayor Andy Moore read the Proclamation in salute of our independent businesses, and encouraged the town’s citizens to patronize and support.

**PROCLAMATION RECOGNIZING JULY 2025 AS
INDEPENDENT RETAILER MONTH
IN THE TOWN OF SMITHFIELD**

Whereas Independent Retailer Month provides a time to celebrate the independence of the citizens of our great country and the entrepreneurial spirit represented by our local independent retailers; and

Whereas the individual decisions we make today shape the future of our communities; and

Whereas local independent retailers help preserve the uniqueness of the communities we call "home" and give us a sense of place; and

Whereas independently-owned retailers give back to our communities in goods, services, time and talent; and

Whereas the health of our economy and that of each community depends on our support of businesses owned by our friends and neighbors; and

Whereas independent retailer owners and employees enrich our purchasing experiences with their knowledge & passion

Whereas, as we celebrate Independent Retailer Month, we acknowledge that the well-being of all of our communities lies within each of us.

NOW, THEREFORE I, M. Andy Moore, Mayor of the Town of Smithfield, along with members of the Town Council, do hereby proclaim the month of July as INDEPENDENT RETAILER MONTH and salute our citizens and local independent retailers who are integral to the unique flavor of our country and honor their efforts to make our communities the places we want to live and work.

M. Andy Moore, Mayor

CITIZEN’S COMMENTS:

Mayor Andy Moore asked that anyone wishing to speak during the Citizen’s Comments portion of the meeting to come forth, and state their name for the record.

Jason Stevenson of 573 Suhani Lane, Clayton, (Barber Farms Subdivision), opposed rezoning request RZ 25-01 to convert a parcel from residential agricultural to light industrial, citing concerns about increased traffic, noise, light pollution, property values, and lack of community outreach.

Sonny Howard (Woodland Drive, Smithfield), raised concerns about the ineffectiveness of a stop sign on Second Street and suggested speed bumps. Also questioned the town’s plan to invest in a property on Buffalo Road for the Disabled American Veterans, suggesting it may not pass inspection and recommending its removal.

Reecie Williams (307 Martin Luther King Drive), reported ongoing issues with overgrown grass at 306 Martin Luther King Drive and requested more frequent maintenance for safety reasons.

Zena Hamilton Rose (54 Holland Drive), requested an eight-foot fence or berm to separate new development from existing homes, expressed concerns about drainage and flooding, and advocated for preservation of the historic Holland house.

Lois Fuller (100 Holland Drive), expressed concern about a proposed road widening near her property, potential loss of trees, and the impact on her home and property value. Requested more information about the street plans.

Magali Escamillani (property owner, 712 East Market Street), sought clarification on how agenda items might affect her property and inquired about rumors of a new pedestrian light near her business.

Xena Hamilton Rose (second comment), noted a litter problem at the entrance to Holland Drive, suggested using prisoners for trash pickup, and described issues with property maintenance after a recent car accident.

Martha Tart (131 Holland Drive), described dangerous road conditions and traffic issues at the entrance to Holland Drive, and asked about the impact of a proposed road and ditch near their property.

The council and staff responded to several concerns, offering to follow up on property maintenance, road safety, and to provide additional information regarding development and rezoning plans.

PUBLIC HEARINGS:

- 1. Subdivision Request (S-25-04) – Village on the Neuse, LLC:** Village of the Neuse, LLC is requesting the approval of a preliminary plat for a 117-lot single-family residential development in the R-8 Conditional District. The proposed development is adjacent to Holland Drive to the south and Smithfield Middle School/Everett Lane to the north, fronting Buffalo Road.

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

All persons wishing to speak during the public hearing were duly sworn by the Town Clerk.

Planning Director Stephen Wensman presented the Village on the Neuse, LLC subdivision request for a 117-lot single-family residential development in the RA conditional district. He explained that the proposed development is located adjacent to Holland Drive to the south and Smithfield Middle School and Everett Lane to the north, fronting Buffalo Road. The project follows a previously approved conditional rezoning and master plan, and the preliminary plat reflects that master plan entirely, with no changes. Mr. Wensman described the site layout, noting that the development will utilize existing unopened rights-of-way to connect new streets. These streets will be constructed as 27-foot-wide curb and gutter streets with a sidewalk on one side, in accordance with town requirements. The site encompasses 42.26 acres, with a proposed density of 2.82 dwelling units per acre. The infrastructure plans include nearly 6,000 linear feet of new streets and 4,500 linear feet of water line. The development will be served by public water, sewer, and electric provided by the Town of Smithfield.

Due to the topography, some homes at the rear of the property will require individual sewage pumps to connect to a gravity line. Mr. Wensman noted that the site contains both 100-year and 500-year floodplain areas, primarily toward the river at the back of the property. There is an existing drainage ditch that crosses the property and drains to the north, under Everett Lane, to a catch basin on the Smithfield Middle School property. He stated that the drainage will likely be piped, but engineering drawings have not yet been submitted. The next step in the process will be the submission of engineered construction drawings, which will be reviewed by the town engineer to ensure proper sizing and flow. There is also a watershed protection area on the back side of the property, and any lots within that area will be required to comply with applicable regulations. A traffic impact study was conducted and is complete. The study recommends a center left-turn lane and a southbound turn lane on Buffalo Road at the development's access point. An eight-foot multi-use trail is required along Buffalo Road, and the applicant is proposing to install this trail, which will connect with projects to the south and allow for neighborhood connectivity.

The development will also provide a trail easement on the west side of the property to connect with the Neuse River Trail and adjacent neighborhoods. Mr. Wensman explained that the development will have an HOA responsible for maintaining all common areas and amenities. The lots will be a minimum of 8,000 square feet, consistent with the underlying zoning district. The project will provide a cluster mailbox and parking at the entrance, as required by the U.S. Postal Service. There is no phasing identified at this time, but the project could be completed in one or multiple phases. He addressed public concerns raised earlier in the meeting, including questions about drainage, buffers, and the impact on adjacent properties. He clarified that the stormwater management plan will be designed to accommodate a minimum of 4,000 square feet of impervious surface per lot, and that detailed engineering and stormwater plans will be reviewed in the next phase. The streets will provide multiple points of connectivity for residents, and the development will comply with all applicable town codes and standards.

Wensman stated staff recommended approval of the preliminary plat with eight conditions: that the plat is contingent on approval of construction plans meeting all regulations; that floodplain development permits be obtained for lots in the 100-year floodplain; that the HOA maintain all common areas and amenities; that the stormwater management plan be designed to accommodate a minimum of 4,000 square feet of impervious surface per lot; that a trail easement be provided on the west side of the development; that the town's standard detail be provided; that the mail kiosk have the proper setback; and that all homes in the development be consistent with the approved architectural standards.

Mr. Wensman concluded by stating that staff finds the proposal consistent with the comprehensive plan and recommends approval of the preliminary plat with the stated conditions.

FINDING OF FACT (Staff Opinion):

To approve a preliminary plat, the Planning Board 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 as conditioned.***
3. There exists adequate infrastructure (transportation and utilities) to support the plat as proposed. ***There is adequate infrastructure with conditions.***
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 Village on the Neuse preliminary plat, S-25-04, with the following conditions:

1. The preliminary plat shall be contingent on approval of construction plans by staff meeting all applicable regulations/standards.
2. Flood plain development permits shall be obtained for the development of the lots within the 100-year flood plain.
3. A homeowner's association shall maintain all common amenities such as the mailbox kiosk and open space.
4. A stormwater management plan shall be designed to accommodate a minimum of 4,000 sq. ft. per lot.
5. A 30' wide public trail easement shall be provided on the west side of the development in the open space to connect the proposed trail to the northern edge of the plat.
6. The mail kiosk driveway apron shall be in accordance with the Town's Standard Apron Detail.
7. The mail kiosk parking lot shall be setback 10' from the lot line in accordance with UDO Section 10.6.4.6.
8. The homes constructed in the development shall be consistent with the architectural standards approved as part of the conditional zoning.
9. The errors on the plat map for annotations of impervious area and designated wetlands be corrected.
10. The developers shall work with staff and the homeowners to coordinate a perimeter fence on the south side for existing homeowners, and to erect a barrier at the end of the stub out road.

Planning Director Stephen Wensman incorporated his entire record and provided it to the Town Council in written form in the July 15, 2025 agenda packet.

Wensman asked the Board if there were any questions.

Councilman Travis Scott asked Planning Director Stephen Wensman whether the issue of fencing along the back of the property had been addressed in the conditional zoning, referencing previous discussions and citizen concerns. Mr. Wensman responded that such a condition could have been addressed during the conditional zoning process and believed the applicant could still volunteer it if desired. Councilman Sloan Stevens recalled that in other rezonings, such as Buffalo Ridge, additional berms or fences were added, and asked if that was the case here. Mr. Wensman stated he would need to check the record, as it had been some time since the December meeting. Councilman Stevens asked if the applicant was present to verify. Mayor Andy Moore confirmed the applicant was present and would be given an opportunity to speak.

Councilman Scott also raised questions about the two connector roads, the width of the right-of-way, and the impact on existing homes, particularly regarding setbacks and the proximity of new roads to existing houses. Mr. Wensman explained that, as long as zoning had been in place, setbacks would have been required, but he could not verify the exact distances without further information. Councilman Scott expressed concern about stormwater management, emphasizing the need to ensure the development would not negatively impact the community, especially given the history of drainage issues in the area. Mr. Wensman confirmed that stormwater would be managed according to code and reviewed by staff.

Mayor Andy Moore invited the applicant to come forward.

Jason Wenzel, attorney for Village on the Neuse, LLC, stated his name and address for the record and affirmed agreement with the Planning Director's testimony. Mr. Wenzel described the project as a 117-lot single-family residential subdivision, emphasizing that the lots would be at least twice the size of those in nearby developments and that the project would provide needed single-family inventory for the community.

He reviewed the four findings of fact required for preliminary plat approval, stating that the plat is consistent with the adopted plans and policies of the town, meets all required specifications of the UDO, will not be detrimental to surrounding properties, and will provide for orderly traffic distribution and infrastructure extension. Mr. Wenzel requested that the council approve the preliminary plat with the eight listed conditions and offered to answer any questions.

Eric Villanue, representing the applicant, stated his name and address and confirmed that the stub-out roads were required. Councilman Scott and Councilman Stevens asked about the possibility of fencing or berms along the property line, referencing previous discussions and citizen concerns. Mr. Villanue stated that he did not recall such a condition being discussed for this project and believed that fencing decisions should be left to the HOA and homeowners.

Mr. Wenzel referenced the minutes from the November 14, 2024, rezoning hearing, noting that the town attorney had stated fencing could be negotiated as part of the conditional zoning process but not as part of the quasi-judicial subdivision hearing. He confirmed that the standards for this project were in line with those for Buffalo Ridge but did not specify a fence.

Jeremy McCall, engineer for the project, stated his name and address and addressed stormwater concerns. He explained that stormwater from the new curb and gutter streets would be captured and directed to a stormwater pond, exceeding code requirements. He also clarified that the existing drainage swale would be incorporated into the stormwater system and that the amount of water flowing to the school property would be minimized. Mr. McCall stated that existing trees in the right-of-way would be preserved where possible and that construction traffic would access the site from Buffalo Road, not Holland Drive.

Dan Simmons, 125 Everett Lane, addressed the council and identified errors on the preliminary plat, including conflicting information about impervious area and a statement that no wetlands were found on site. Mr. Simmons asserted that wetlands exist along the property line and requested that a certified soil scientist verify the absence of wetlands. He also requested fencing or barriers to prevent residents from accessing his property and suggested that the council be consistent with previous developments regarding buffers.

Planning Director Wensman responded that any conditions required by the conditional rezoning would be enforced and that additional conditions could be added if justified by health, safety, or welfare concerns.

Town Attorney Bob Spence advised that the council could add conditions if appropriate but cautioned against imposing requirements not addressed during the conditional zoning process.

Councilman Scott recommended adding a condition for a perimeter fence managed by the HOA and a barrier at the end of the stub-out roads.

Councilman Stevens asked whether the plat could be approved with typographical errors, and Mr. Wensman confirmed that a condition could be added requiring corrections.

Further discussion ensued regarding the appropriateness of adding a fence condition at the plat approval stage. The applicant expressed willingness to work with staff and the community but preferred that fencing decisions be managed by the HOA.

Council members and staff discussed the need for consistency with previous developments and the importance of addressing citizen concerns.

Additional citizens, including Xena Hamilton Rose and Helen Simmons, spoke about drainage, fencing, and the preservation of wetlands and trees. The applicant and staff reiterated that detailed engineering and landscaping plans would be reviewed in the next phase and that all code requirements would be met. The council discussed and agreed to add conditions requiring correction of plat errors, wetland certification, a perimeter fence managed by the HOA, and barriers at the end of stub-out roads.

Mayor Pro Tem, Roger Wood made a motion, seconded by Councilman Steve Rabi to approve all four findings of for a preliminary plat as evaluated through the quasi-judicial process. Unanimous.

The Board Determined that:

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

Mayor Pro Tem Roger Wood made a motion, seconded by Councilman John Dunn to approve Village on the Neuse Plat request S-25-04, with the 10 conditions based on the finding of fact for preliminary subdivisions. The motion carried with a 4 to 1 vote, with Councilman Travis Scott voting no.

Conditions restated:

1. The preliminary plat shall be contingent on approval of construction plans by staff meeting all applicable regulations/standards.
2. Flood plain development permits shall be obtained for the development of the lots within the 100-year flood plain.
3. A homeowner's association shall maintain all common amenities such as the mailbox kiosk and open space.
4. A stormwater management plan shall be designed to accommodate a minimum of 4,000 sq. ft. per lot.
5. A 30' wide public trail easement shall be provided on the west side of the development in the open space to connect the proposed trail to the northern edge of the plat.
6. The mail kiosk driveway apron shall be in accordance with the Town's Standard Apron Detail.
7. The mail kiosk parking lot shall be setback 10' from the lot line in accordance with UDO Section 10.6.4.6.
8. The homes constructed in the development shall be consistent with the architectural standards approved as part of the conditional zoning.
9. *The errors on the plat map for annotations of impervious area and designated wetlands be corrected.*
10. *The developers shall work with staff and the homeowners to coordinate a perimeter fence on the south side for existing homeowners, and to erect a barrier at the end of the stub out road.*

1. Zoning Amendment Request (ZA-25-02) – Consideration of a request by Brown Investment Properties, Inc. to amend the Town's Unified Development Ordinance: Brown Investment Properties requests amendment to Article 8, Section 8.91 to increase the maximum height in the B-3 Highway Entranceway Business District from forty feet (40') to fifty (50').

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

Planning Director Stephen Wensman presented the request by Brown Investment Properties, Inc. to amend the Town's Unified Development Ordinance, specifically Article 8, Section 8.91, to increase the maximum height in the B3 Highway Entranceway Business District from 40 feet to 50 feet. Mr. Wensman explained that the current maximum height in the district is 40 feet, unless the property is adjacent to the I-95 freeway, where the height can go up to 100 feet. He noted that the Town of Smithfield's definition of building height is based on the average finished grade to the highest point of the building, which differs from the North Carolina Building Code, where height is measured to the midpoint of a peaked roof. Mr. Wensman further explained that the applicant's project involves bringing in soil to raise the site, which affects the height calculation because the average finished grade is used. For example, if three feet of soil is brought in one area and none in another, the average is used, impacting the allowable building height. He stated that the increase to 50 feet is already permitted in some of the Town's other districts and has not posed a problem. From a staff perspective, the Town's Comprehensive Plan encourages an increase in height, and staff has received comments over time about the need to increase the height limit.

Staff has considered bringing forward such an ordinance amendment but had not done so until the applicant's request. Mr. Wensman noted that the Local 70 project also had a height variance built into its approval, allowing for 50 feet, so this is not an unusual request citywide, even though it is not currently in the ordinance. He stated that staff fully supports the request, both for economic development purposes and to meet the applicant's needs.

Wensman also mentioned that the Planning Board recommended denial, believing that such requests should be handled by variance, but explained that a variance is not possible in this case because it is a new build and there is no hardship. Mr. Wensman concluded by stating that this amendment would put the Town more in accord with the state building code and that staff recommends approval of the request.

Wensman displayed the proposed dimensional requirements in his staff report provided to the Board in their July 15, 2025 agenda packet.

(A) Minimum Lot Area	
<ul style="list-style-type: none"> • Major shopping center • Minor shopping center • Other building or use 	12,000 sq ft 12,000 sq ft 12,000 sq ft
(B) Minimum Lot Frontage	
<ul style="list-style-type: none"> • Major shopping center • Minor shopping center • Other building or use 	200 lin ft 125 lin ft 125 lin ft
(C) Front Yard Setback	
<ul style="list-style-type: none"> • Major shopping center • Minor shopping center • Other building or use 	100/50 ft (see Sec. 8.9.2.1) 50/35 ft (see Sec. 8.9.2.2) 50/35 ft (see Sec. 8.9.2.2)
(D) Side Yard Setback	
<ul style="list-style-type: none"> • Major shopping center • Minor shopping center • Other building or use 	50 ft 15 ft (see Sec. 8.8.2.3) 8 ft (see Sec. 8.8.2.3)
(E) Rear Yard Setback	
<ul style="list-style-type: none"> • Major shopping center • Minor shopping center • Other building or use 	50 ft 25 ft 25 ft
(F) Maximum Building Height	50 ft -40 ft (see Sec. 8.13.6)
(G) Accessory Buildings Setback	10 ft (see Sec. 8.13.2)

Councilman John Dunn asked for clarification regarding previous approvals for similar height increases, specifically referencing the Local 70 project and the proximity of the applicant's project to I-95, which allows for greater height. Planning Director Stephen Wensman confirmed that the Local 70 project had a built-in height variance and explained that the applicant's project is not within the 660-foot range of I-95 that would allow for 100 feet in height.

Mr. Wensman further clarified that the amendment could affect other properties in the B3 district, although there have not been many requests for taller buildings.

Mayor Andy Moore questioned why the applicant could not seek a variance for the height increase. Mr. Wensman explained that a variance requires a hardship that is not self-created, and the desire to build a taller building does not meet that standard. He stated that the applicant could have addressed the issue through conditional rezoning but did not anticipate the problem due to differences between the Town's and the North Carolina Building Code's definitions of building height. Mayor Andy Moore confirmed with Wensman that this variance request was not a means to get more units in the development.

Mayor Pro Tem Roger Wood expressed concern about changing the ordinance for a single developer and suggested that such requests should be considered on a case-by-case basis. Mr. Wensman responded that the amendment would provide flexibility and support economic development, as the current standard is considered too low by staff. He noted that the amendment is a proactive measure for other developments that may come down the line so that they won't run into this problem.

Councilman Sloan Stevens noted that, since multifamily is no longer permitted in the B3 district, the issue may not arise frequently in the future. He also commented on the technical differences in measuring building height and the impact of the amendment.

Councilman Travis Scott echoed concerns about changing the ordinance for one project and asked how many other projects in the B3 district would be affected. Mr. Wensman replied that any new development could take advantage of the increased height, but the amendment would allow for more flexibility in design and support the Town's economic development goals.

Councilman Scott inquired whether the amendment could specify a maximum number of floors in addition to the height limit, to address concerns about increased density. Mr. Wensman stated that such a provision could be considered, but the primary issue is the definition of building height and the type of roof.

James Todd, attorney for the applicant, addressed the Board. He explained that the amendment is motivated by the applicant's desire to construct a three-story building with a pitched roof, which is not possible under the current 40-foot height limit due to the Town's definition of building height. Mr. Todd emphasized that the amendment would not increase the approved density of the project, as multifamily development in the B3 district requires a special use permit and council approval. He stated that the amendment would allow for a more traditional and aesthetically pleasing pitched roof design, rather than a flat roof, and would avoid significant additional construction costs. Mr. Todd introduced Matt Ansley, the project architect, who provided a technical explanation of the height calculations.

Matt Ansley, Architect for ISG Engineers and Johnston County resident, presented several design scenarios, demonstrating that the current definition of building height restricts the project to two stories with a pitched roof or requires a flat roof for three stories. He explained that the proposed 50-foot height limit would allow for three stories with nine-foot ceilings and a standard 5/12 roof pitch, consistent with the rendering submitted during the special use permit process. Mr. Ansley also addressed questions about mechanical equipment placement and elevator requirements, confirming that the project does not include elevators and that mechanical equipment would be located on the ground with a pitched roof.

Mr. Todd stated that, if the Board was uncomfortable with a blanket change to the B3 district, the amendment could be limited to multifamily uses, which would still require a special use permit and council approval. Planning Director Wensman clarified that multifamily is no longer permitted in the B3 district, so such a limitation would not be applicable.

Mayor Moore noted that the applicant's request for the building height definition and that the amendment would bring the Town's standards closer to the state building code. He asked whether the applicant needed the full 50 feet or if a lower height would suffice. Mr. Ansley responded that adopting the state building code's definition of building height, which measures to the midpoint of the roof, would be a suitable compromise and would allow for pitched roof designs without increasing the maximum number of floors.

Councilman Travis Scott made a motion to close the public hearing. The motion was withdrawn for recognition of an additional public comment.

Mark Lane, a member of the Planning Board, addressed the council and explained that the Planning Board's primary concern was opening up the entire B3 district to taller buildings, rather than handling such requests through conditional zoning. He stated that the Planning Board supported the applicant's project but preferred to maintain control over building height on a case-by-case basis.

Councilman John Dunn asked if the petition was not approved at this meeting would the petitioner need to reapply for conditional zoning. Wensman stated the Town does not allow that use in the B-3 zoning district, so it may not be an option, and suggested the applicant may take a different route.

There was more discussion among the Board regarding zoning, building height and variations in the NC Building Code.

Planning Director Wensman stated that adopting the state building code's definition would have a broader impact, as it would apply to all districts, not just B3. Town Attorney Bob Spence advised that such a change would make the Town's code more consistent with the state building code and would not significantly affect the Town, given the limited number of multifamily projects in the B3 district.

Councilman Travis Scott made a motion, seconded by Councilman Stephen Rabil to close the public hearing. Unanimously approved.

Councilman Sloan Stevens made a motion, seconded by Councilman John Dunn to approve zoning text amendment ZA-25-02, amending Article 8, Section 8.91, to increase the maximum height in the B3 Highway Entranceway Business District from 40 feet to 50 feet, finding the amendment consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and determining that the amendment is reasonable and in the public interest. The motion carried with a 4 to 1 vote, with Councilman Roger Wood voting no to the ordinance amendment.

2. **Rezoning Request (RZ-25-01) – Consideration of a request for Clarius Partners, LLC for a zoning map amendment:** Clarius Partners, LLC is requesting a zoning map amendment to rezone a 75.61 acres parcel, located on US Highway 70 Business W, at the north edge of the Town's extra-territorial jurisdiction (ETJ).

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

Planning Director Stephen Wensman presented the request, explaining that the applicant sought to rezone a 75.61-acre parcel located on US Highway 70 Business West, at the northern edge of the Town's extraterritorial jurisdiction (ETJ), from its current residential-agricultural (R-20A) zoning to Light Industrial (LI). Mr. Wensman described the site as agricultural fields and mixed forest, with a blue line stream and a gas line easement crossing the property. He noted the property is within a watershed district, which imposes more restrictive stormwater management requirements. Mr. Wensman stated that the applicant submitted a concept plan for "Clarius Park," a warehouse distribution development, and that a traffic impact study had been completed, allowing for a full access with a stoplight and a right-of-way at a second entrance. He explained that the Town's Comprehensive Plan had envisioned this area as low-density residential due to the lack of sewer infrastructure, and that approval of the rezoning would require an amendment to the Comprehensive Plan. Mr. Wensman stated that, while the property is not within the Town's tax base, the proposed use would provide jobs and economic benefits to the area. He recommended approval of the rezoning, finding it reasonable and in the public interest, and consistent with the Comprehensive Plan as amended.

Planning Director Stephen Wensman incorporated his entire record and provided it to the Town Council in written form in the July 15, 2025 agenda packet.

He outlined Staff's opinion of the consistency statement for rezoning approval:

CONSISTENCY STATEMENT (Staff Opinion):

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

- **Consistency with the Comprehensive Growth Management Plan** - *The development is inconsistent with the town's comprehensive plan and the rezoning will result in an amendment to the Town's plan.*
- **Consistency with the Unified Development Code** – *The site will be developed in accordance with the Light Industrial standards and WS-11/-PA standards.*
- **Compatibility with Surrounding Land Uses** - *The property considered for rezoning will be compatible with surrounding land uses, in particular, there is a LI District less than 1,000 feet to the south.*

Councilman John Dunn asked for clarification regarding the ETJ and the likelihood of the property being annexed into the Town of Smithfield. Mr. Wensman responded that, due to its proximity to Wilson's Mills and the lack of sewer service, the property would likely remain in the county.

Mayor Andy Moore question whether the property could be annexed into the Town of Smithfield, Wensman stated no due to it lying closer to Wilsons Mills. Wensman noted though it was not the Town's tax base, the development would mean jobs in the area.

Councilman Travis Scott inquired about the required buffers for noise and light pollution controls for adjacent residential areas. Mr. Wensman explained that a Type C buffer, approximately 20–25 feet with shrubs and trees or a fence, would be required, and that the Town's lighting code would prevent light spillover onto adjacent properties.

Councilman John Dunn requested clarification on the map regarding the woodland and wetlands.

Jason Stevenson, a resident of Barber Farms subdivision, addressed the council in opposition to the rezoning. He expressed concerns about increased traffic, noise, loss of trees, and the impact on property values and neighborhood character. He stated that many residents were unaware of the proposal until a sign was posted and that the change would be inconsistent with the existing residential zoning.

Mark Cooper, of 462 Sahani Lane, Clayton, another Barber Farms resident, echoed concerns about the impact of a trucking company on the neighborhood's peace and quiet, and the lack of prior notice to residents.

Sharon Owens, 364 Suhani Lane also of Barber Farms, raised concerns about stormwater runoff, potential oil and gas spills from trucking operations, and the need to protect wetlands and agricultural land.

Rodney Mitchell, a resident at 4324 US 70 Business Highway West, urged the council to consider the impact on nearby homeowners and to vote as if they lived adjacent to the proposed development.

Craig Daniger, representing Clarius Partners, LLC, addressed the council. He stated that the company is a Class A industrial developer that builds best-in-class light industrial facilities, which attract high-quality users and provide jobs and tax revenue with relatively low impact on schools and municipal services. Mr. Daniger clarified that "light industrial" does not necessarily mean a trucking company and that the concept plan includes significant buffers and setbacks, with only one building located near the minimum buffer. He offered to continue the hearing to allow for a town hall meeting with adjacent property owners to address concerns and provide more information.

Councilman Sloan Stevens suggested that a conditional zoning process might be more appropriate, allowing for increased buffers and collaboration with neighbors, while also recognizing the need to encourage industrial growth along Highway 70.

Councilman Scott encouraged the applicant to make every effort to maintain natural buffers, preserve existing trees, and be cautious of protected wetlands especially near residential properties.

Mayor Andy Moore pointed out that the site plan meant very little, noting that if the rezoning were allowed, any light industrial allowable use could go there.

There was some discussion regarding the location of the wetlands on the property. Mr. Daniger pointed to the map for clarification.

Mr. Daniger agreed to coordinate a town hall style neighborhood meeting with residents and to return to the council with additional information and potential revisions to the plan.

Mayor Andy Moore confirmed that the public hearing would remain open and be continued to a date certain to allow for further discussion and public input. He also made comment regarding the property currently being zoned R-20A while noting concerns by neighbors that go along with light industrial zoning. He encouraged the petitioner to work together with the neighbors on a consensus. The petitioner agreed to a meeting with the adjoining property owners and consideration for their concerns.

Councilman Travis Scott made a motion, seconded by Councilman Stephen Rabil to continue, allowing the public hearing remain open and be continued for a minimum of 30 days, to the next regular meeting on August 19, 2025, to allow the applicant to meet with neighboring residents and address concerns. The motion was unanimously approved.

3. Conditional Zoning Request (CZ-25-03) – Consideration of a request for Mallard Smithfield NC, LLC to amend the conditional rezoning master plan: Mallard Smithfield NC, LLC is requesting approval of an amended R-8 conditional rezoning master plan of 491.2 acres of land which will include 1,327 residential units: 873 single-family detached, 454 single-family attached (townhomes).

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

Mayor Pro Tem Roger Wood made a motion, seconded by Councilman John Dunn to continue this public hearing until the August 5th meeting.

It was mentioned that the applicant was in agreement with this continuance.

The motion was unanimously approved.

CONSENT AGENDA:

Mayor Pro Tem Roger Wood made a motion, seconded by Councilman John Dunn, to approve the following items on the Consent Agenda as amended. Unanimously approved:

1. Approval of minutes:

- a. May 6, 2025 – Regular Session
- b. May 20, 2025 – Regular Session

2. Consideration and request for approval to adopt Resolution No. 778 (17-2025) accepting streets in the East River development for public maintenance: The developer of East River has requested public maintenance of Sturgeon Street, Sandpiper Street, Short Court and Sandstone Street in the East River development. The Town Council accepted Sunfish and Croatan Court in Phases 1 and 2 of the development for public maintenance by Resolution 696 (05-2022) on April 5, 2022.

3. Consideration and request for approval for Bulldog Harley-Davidson to hold a Bikini Bike Wash event on July 19, 2025: The Town Council is being asked to consider approval of a Temporary Use Permit for this event to be held at 1043 Outlet Center Drive. This event will run from 11:00 am to 4:00 pm. Gent's Bounty BBQ food truck will be on-site selling food. Two beers will be given away to customers age 21 and older.

4. Consideration and request for approval for Bulldog Harley-Davidson to hold a Christmas in July event on July 26, 2025: The Town Council is being asked to consider approval of a Temporary Use Permit for this event to be held at 1043 Outlet Center Drive. This event will run from 11:00 am to 4:00 pm. Daisy Dawgs food truck will be on-site selling food. A live band will perform therefore amplified sound will be used. Two beers will be given away to customers age 21 and older.

5. Consideration and request for approval of Resolution No. 779 (18-2025) Authorizing the sale of real property located at 204 Britt Street, Smithfield, NC through the Upset Bid Process in accordance with NC GS 160A-269

BUSINESS ITEMS:

- 1. Consideration to accept completed work for AIA Sewer Grant:** Conditions of the awarded Asset & Inventory Assessment grant (AIA), NCDEQ, requires the recipient to present the completed work to the governing municipal board. To close out this grant funding, the governing board must be presented the competed work funded by the AIA Grant and acknowledge the work was in accordance with the grant application.

Public Utilities Director Ted Credle presented an update on the AIA sewer grant received by the Town in 2021. He reported that the \$150,000 grant from the North Carolina Department of Environmental Quality was used to assess the condition of the Town's sewer system, including 1,511 manholes, and to update the Town's asset management plan. The grant also funded updates to the Town's sewer model to predict the impact of future growth, video inspections of sewer pipelines, and the purchase of three flow meters for pump stations. Mr. Credle explained that manholes were rated on a scale of one to five, with rehabilitation performed on those in poor condition. The asset management plan was updated following site visits to all 21 lift stations, and the sewer model was used to identify areas where pipes may be undersized for future development. Video inspections identified trouble spots, including holes in pipes that were subsequently repaired. The flow meters will be installed as part of ongoing improvement projects. Mr. Credle noted that the grant work supports ongoing system improvements and helps minimize future rate increases. He stated that no council action was required, but that the presentation was a condition of the grant.

Councilman Travis Scott asked if the work described was considered preventive maintenance, referencing regionalization documents and the Town's credit for such work. Mr. Credle confirmed that the work is considered preventive maintenance.

Councilman Scott also inquired about cockroach issues in the sewer system. Mr. Credle explained that cockroaches are common in sewers due to moisture, and that if they are entering homes, it is likely due to issues with traps or U-bends in plumbing. He stated he would research extermination options for cockroaches in the sewer system.

Councilman John Dunn asked how the Town uses the information from the manhole assessments. Mr. Credle responded that manholes rated as needing immediate attention are prioritized for rehabilitation, which is an ongoing annual project funded in the Town's budget. He stated that typically \$50,000 per year is allocated for manhole rehabilitation, covering 10 to 20 manholes depending on depth, and that this is a normally budget cost.

There were no further questions, and the council thanked Mr. Credle for his report.

COUNCILMEMBER COMMENTS:

Mayor Andy Moore complemented the new back door to the Town Hall Council Chambers, as a new one had been installed.

TOWN MANGER'S REPORT:

Town Manager Mike Scott informed the council that brick inlay work downtown will resume next week, with business owners being notified directly due to expected disruptions. Repaving of South Third Street will also begin later this month, likely causing some disruption in that area. Additionally, construction funded by the EDA grant for West Smithfield, including work behind Rose Manor, will commence next week. Residents may notice activity in easements near their properties as these projects proceed.

Mayor Andy Moore confirmed with the Manager that there had been communication with the neighborhood.

ADJOURN:

Councilman Travis Scott made a motion, seconded by Councilman John Dunn, to adjourn the meeting until. The meeting adjourned at approximately 10:13 pm. Unanimously approved.



M. Andy Moore
M. Andy Moore, Mayor

ATTEST:

Elaine Andrews
Elaine Andrews, Town Clerk

