

The Smithfield Town Council met in regular session on Tuesday, August 3, 2021 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:

Marlon Lee, District 1  
David Stevens, District 2  
Travis Scott, District 3  
Dr. David Barbour, District 4  
Stephen Rabil, At-Large  
Roger Wood, At-Large

Councilmen Absent

John Dunn, Mayor Pro-Tem

Administrative Staff Present

Michael Scott, Town Manager  
Ted Credle, Public Utilities Director  
Jeremey Daughtry, Assistant Fire Chief  
Lawrence Davis, Public Works Director  
Gary Johnson, Parks & Rec Director  
Tim Kerigan, Human Resources/PIO  
Shannan Parrish, Town Clerk  
R. Keith Powell, Chief of Police  
Greg Siler, Finance Director  
Stephen Wensman, Planning Director

Also Present

Bob Spence, 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 Scott followed by the Pledge of Allegiance.

**APPROVAL OF AGENDA:**

Councilman Wood made a motion, seconded by Councilman Rabil, to approve the agenda with the following amendments:

**Add to the Consent Agenda:**

**14. Special Event: School Supply Giveaway** Consideration and request for approval to allow Marlon Lee to hold a school supply giveaway event at Smith Collins Park on August 21, 2021 from 11:00 am until 4:00 pm. This request includes amplified sound.

**15. Special Event: Third StrEATery** – Consideration and request for approval to allow the Downtown Smithfield Development Corporation to hold Third StrEATery events on September 10, 2021 and October 1, 2021 from 6:00 pm until 9:00 pm. This request includes amplified sound and the closure of the 100 block of South Third Street.

Unanimously approved.

**PRESENTATIONS:**

**1. Appearance Commission's Annual Report**

Chairperson Stuart Lee presented the Appearance Commission's Annual Report to the Council.

*{Attached hereto and made a part of these official minutes is the Appearance Commission Annual Report which is on file in the office of the Town Clerk.}*

**CITIZEN'S COMMENTS:**

- Lindsay Bean of 10 Alpine Court, Smithfield expressed concerns of excessive pine straw on her neighbor's property. She explained that other municipalities have ordinances regulating pine straw because it can be a fire hazard.

**CONSENT AGENDA:**

Councilman Barbour made a motion, seconded by Councilman Wood, to approve the following items as listed on the Consent Agenda:

1. The following minutes were approved:
  - July 6, 2021 – Regular Meeting
  - July 6, 2021 – Closed Session
2. Special Event: The Love Connection's Unity in the Community – Christina Arena gained approval to conduct an outdoor event on Saturday, September 6, 2021 from 12:00 pm until 5:00 pm. The closure of South Front Street and the 100 block of East Johnston Street and the use of amplified sound was also approved with this request.

3. Approval was granted to adopt revision to the Employee Pay Scale  
{Attached by reference and made a part of these official minutes is a copy of the Employee Pay Scale which is on file in the Office of the Town Clerk}
4. Approval was granted to amend the FY 2021-2022 Fee Schedule  
{Attached by reference and made a part of these official minutes is a copy of the Amended Fee Schedule which is on file in the Office of the Town Clerk}
5. Promotion: Approval was granted to promote a Police Officer I to the rank of Police Officer II
6. Promotion: Approval was granted to promote a Fire Lieutenant to the rank of Fire Captain
7. Promotion: Approval was granted to promote a Fire Engineer to the rank of Fire Lieutenant
8. Promotion: Approval was granted to promote 2 Firefighter II employees to the rank of Fire Engineers
9. Bid was awarded to Deacon Jones Ford in the amount of \$34,783 for the purchase of a F-250 truck to be utilized by the Public Utilities – Water/Sewer Department. Bids received are as follows:
  - Deacon Jones Ford      \$34,783
  - Capital Ford              \$35,929
  - Kenly Ford                 \$46,672

10. The following budget amendment was approved:

**WATER/SEWER FUND**

**1. Expenditures**

30-71-7220-5700-7400 Wtr/Sewer Dist. - Capital Projects	\$ 315,000	\$ (22,500)	\$ 292,500
30-76-7220-5970-9101 Wtr/Sewer Dist. - Transfer WSCPF	<u>1,200,000</u>	<u>22,500</u>	<u>1,222,500</u>
	<u>\$ 1,515,000</u>	<u>\$</u> <u>=</u>	<u>\$ 1,515,000</u>

To fund AIA Grant match of 15% or \$22,500

**Water/Sewer Fund Capital Projects Fund**

**2. Revenue**

45-71-3700-7220-0004 AIA Sewer Grant 2	\$ -	\$ 150,000	\$ 150,000
45-75-3870-3870-0311 Transfer W/S Fund - AIA Grant 2	<u>\$ -</u>	<u>\$ 22,500</u>	<u>\$ 22,500</u>
	<u>\$ -</u>	<u>\$ 172,500</u>	<u>\$ 172,500</u>

**Expenditures**

45-71-7220-5700-7425 Sewer AIA 2	<u>\$ -</u>	<u>\$ 172,500</u>	<u>\$ 172,500</u>
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To establish and fund AIA Grant

11. Approval was granted to appoint Blake Gotliffe to the Downtown Smithfield Development Board of Directors.
12. The following advisory board appointments were approved:
  - Mary Nell Ferguson was reappointment to serve a third term on the Historic Properties Commission.
  - Monique Austin was appointed to serve a first term on the Board of Adjustment.

13. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Public Works Crew Leader	PW – Sanitation	10-40-5800-5100-0200	\$20.69/hr. (\$43,035.20/yr.)
Technology (IT) Director	General Government	10-10-4100-5100-0200	\$30.16/hr. (\$62,732.80/yr.)
		30-71-7220-5100-0200	
		31-72-7230-5100-0200	
Utility Line Mechanic	PU – Water/Sewer	30-71-7220-5100-0200	\$15.18/hr. (\$31,574.40/yr.)

Current Vacancies

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Assistant Finance Director	Finance	10-10-4200-5100-0200
Customer Service Representative	Electric	31-72-7230-5100-0200
Electric Line Technician	Electric	31-72-7230-5100-0200

Fire Chief	Fire	10-20-5300-5100-0200
Fire Inspector (Part-time – 2 positions)	Fire	10-20-5300-5100-210
IT Support Specialist	General Government (3 funds)	10-10-4100-5100-0200
Water Plant Operator	PU – Water Plant	30-71-7200-5100-0200
Police Officer I (4 positions)	Police	10-20-5100-5100-0200
P/T Collections Assistant	PU – Electric	31-72-7230-5100-0200
P/T Firefighter I (8 positions)	Fire	10-20-5300-5100-0200
P/T Mechanic	PW – Garage	10-30-5650-5100-0200
Pump Station Mechanic	PU – Water/Sewer	30-71-7200-5100-0200
Sanitation Equipment Operator (4 positions)	Public Works	10-40-5800-5100-0200
Utility Line Mechanic	PU – Water/Sewer	30-71-7220-5100-0200

**14. Special Event: School Supply Giveaway** – Marlon Lee gained approval to conduct a school supply giveaway event at Smith Collins Park on August 21, 2021 from 11:00 am until 4:00 pm. The use of amplified sound was also approved. The event was approved as an annual event to be held the Saturday before Johnston County Schools started the new school year.

**15. Special Event: Third StrEATery** – The Downtown Smithfield Development Corporation gained approval to hold Third StrEATery events on September 10, 2021 and October 1, 2021 from 6:00 pm until 9:00 pm. This request includes amplified sound and the closure of the 100 block of South Third Street.

#### Business Items:

**1. Bid Award in the amount of \$37,500 to Honeywell to upgrade the control boxes for the load management project**

Public Utilities Director Ted Credle addressed the Council on a request to award a bid to Honeywell in the amount of \$37,500 to upgrade control boxes for the load management project. Mr. Credle explained the Town has an existing residential load management program that offers discounts to customers that participate by allowing a control box to shut off operations on water heaters and/or HVAC systems during the peak hours of the month. The current system is a one-way switch that receives a signal and initiates the shut-down. The drawback is the fact we do not know if the switch is working and if the Town is receiving the benefit of the reduced load. The upgraded switches will work as a two-way switch and let the Town know if, in fact, the switch is operating. The selected contractor will be given a list of participating customers and they will contact the customers to coordinate entry into the home to perform the change out. We've scheduled this project to take about 90 days.

Councilman Scott questioned if this was included in the current budget. Mr. Credle responded in the affirmative.

Councilman Scott questioned if the new control boxes would work with the AMI smart meters. Mr. Credle responded in the affirmative.

Councilman Scott questioned how this would be marketed to the customers. Mr. Credle responded staff would work on a campaign to inform all customers of this program. Mayor Moore suggested that staff produce some public service announcements on load management and the benefits of load management.

Councilman Scott made a motion, seconded by Councilman Rabil, to award the bid to Honeywell in the amount of \$37,500 and authorize the Town Manager to execute the contract with Honeywell for this project. Unanimously approved.

**2. ANX-12-01: Annexation Request ASP Smithfield LLC/SST Properties (Samet Properties) and FNLI Agouti JNX LLC (Amazon) accepting the sufficiency of the annexation petition and adoption of Resolution No. 685 (13-2021)**

Town Clerk Shannan Parrish addressed the Council on a request to adopt Resolution No. 685 (13-2021) setting the date of the Public Hearing for September 7, 2021 for the annexation request. She explained that the annexation petition has been certified and it was found to be sufficient.

Councilman Wood made a motion, seconded by Councilman Barbour, to adopt Resolution No. 685 (13-2021) setting the date for the public hearing on the annexation petition request submitted by ASP Smithfield LLC/SST Properties (Samet Properties) and FNLI Agouti JNX LLC (Amazon). Unanimously approved.

TOWN OF SMITHFIELD  
RESOLUTION NO. 685 (13-2021)  
DIRECTING THE CLERK TO INVESTIGATE A PETITION  
RECEIVED UNDER G.S. 160A-31

**WHEREAS**, a petition requesting annexation of the area described herein has been received; and

**WHEREAS**, the Town Council has by Resolution No. 683 (11-2021) directed the Town Clerk to investigate the sufficiency of the petition; and

**WHEREAS**, certification by the Town Clerk as to the sufficiency of the petition has been made;

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

Section 1: A public hearing on the question of annexation of the area described herein will be held in the Council Chambers of the Town Hall located at 350 East Market Street, Smithfield North Carolina at 7:00 pm on September 7, 2021.

Section 2: The area proposed for annexation is described as follows:

**RDU2 ANNEXATION -LAND DESCRIPTION**

ALL OF LOTS 1 AND 2 AS SET FORTH ON THAT CERTAIN RECOMBINATION PLAT "RDU2", FOR SAMET CORPORATION, RECORDED ON APRIL 28, 2021 IN JOHNSTON COUNTY REGISTRY IN PB 93, PAGE 241.

**ALSO DESCRIBED AS:**

ALL THOSE CERTAIN PARCELS OF LAND LYING IN JOHNSTON COUNTY, NORTH CAROLINA ADJOINING THE NORTH SIDE OF WEST MARKET STREET (US HWY 70 BUSINESS), AND BEING WEST OF M DURWOOD STEPHENS HIGHWAY (NCSR 1923), SAID PROPERTY BEING A PORTION OF LANDS IN THE NAME OF ASP SMITHFIELD, LLC & SST PROPERTIES LLC AS RECORDED IN THE JOHNSTON COUNTY REGISTRY IN DEED BOOK 5875, PAGE 96 AND ALL OF THE PROPERTY IN THE NAME OF ASP SMITHFIELD, LLC & SST PROPERTIES, LLC AS DESCRIBED IN DB 5875 PG 91 AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERN RIGHT OF WAY OF US HWY 70 BUSINESS AND IN THE SOUTHERN CORNER OF THE COMMON LINE OF LAND IN THE NAME OF NELL WOOD LEE AS RECORDED IN DB 3609 PG 832 AND LAND IN THE NAME OF ASP SMITHFIELD, LLC & SST PROPERTIES LLC AS RECORDED IN DB 5875 PG 77, SAID POINT BEING IN THE CENTERLINE OF A STREAM, AND RUNS;

THENCE, WITH LEE, ALONG A CREEK FOR THE FOLLOWING COURSES, N 07°34'49" EA DISTANCE OF 38.73' TO A POINT, AND RUNS;

THENCE, N 36°14'53" EA DISTANCE OF 16.77' TO A POINT, AND RUNS; THENCE, N 17°46'03" EA DISTANCE OF 31.95' TO A POINT, AND RUNS;

THENCE, N 11 °20'00" EA DISTANCE OF 53.07' TO A POINT, AND RUNS;

THENCE, N 62°17'44" EA DISTANCE OF 35.51' TO A POINT, AND RUNS;

THENCE, N 16°18'03" EA DISTANCE OF 45.51' TO A POINT, AND RUNS;

THENCE, N 68°24'38" EA DISTANCE OF 22.13' TO A POINT, AND RUNS;

THENCE, N 24°42'16" EA DISTANCE OF 15.29' TO AN EXISTING IRON PIPE, AND RUNS;

THENCE, N 02°07'47" WA DISTANCE OF 46.26' TO A POINT, AND RUNS;

THENCE, N 47°27'41" EA DISTANCE OF 21.96' TO A POINT, AND RUNS;

THENCE, N 03°00'56" WA DISTANCE OF 14.67' TO A POINT, AND RUNS;

THENCE, N 16°28'16" EA DISTANCE OF 50.37' TO A POINT, AND RUNS;

THENCE, N 40°39'15" EA DISTANCE OF 81.48' TO A POINT, AND RUNS;

THENCE, N 38°40'38" EA DISTANCE OF 48.59' TO A POINT, AND RUNS;

THENCE, N 36°24'47" EA DISTANCE OF 88.18' TO A POINT, AND RUNS;

THENCE, N 50°15'49" EA DISTANCE OF 25.85' TO AN EXISTING IRON PIPE (DISTURBED), AND RUNS;

THENCE, N 26°33'56" EA DISTANCE OF 43.04' TO A POINT, AND RUNS;

THENCE, N 04°46'03" EA DISTANCE OF 16.77' TO A POINT, AND RUNS;

THENCE, N 22°42'38" EA DISTANCE OF 42.17' TO A POINT, AND RUNS;

THENCE, N 26°42'10" EA DISTANCE OF 83.85' TO A POINT, AND RUNS;

THENCE, N 25°40'44" EA DISTANCE OF 94.07' TO A POINT, AND RUNS;

THENCE, N 16°40'31" EA DISTANCE OF 68.61' TO A POINT, AND RUNS;

THENCE, N 11°53'36" EA DISTANCE OF 43.49' TO A POINT, AND RUNS;

THENCE, N 03°26'38" WA DISTANCE OF 66.84' TO A POINT, AND RUNS;

THENCE, N 22°31'17" WA DISTANCE OF 14.50' TO A POINT, AND RUNS;

THENCE, N 11°52'48" WA DISTANCE OF 42.02' TO A POINT, AND RUNS;

THENCE, N 13°01'03" WA DISTANCE OF 56.05' TO A POINT, AND RUNS;

THENCE, N 09°41'04" WA DISTANCE OF 66.62' TO A POINT, AND RUNS;

THENCE, N 06°51'56" WA DISTANCE OF 63.97' TO A POINT, AND RUNS;  
 THENCE, N 29°35'36" WA DISTANCE OF 3.07' TO A POINT, AND RUNS;  
 THENCE, N 13°28'22" WA DISTANCE OF 62.12' TO A POINT, AND RUNS;  
 THENCE, N 17°42'52" WA DISTANCE OF 42.47' TO A POINT, AND RUNS;  
 THENCE, N 17°20'34" WA DISTANCE OF 38.01' TO A POINT, AND RUNS;  
 THENCE, N 30°01'11" WA DISTANCE OF 56.74' TO A POINT, AND RUNS;  
 THENCE, N 28°53'41" WA DISTANCE OF 22.37' TO A POINT, AND RUNS;  
 THENCE, N 36°36'06" WA DISTANCE OF 49.90' TO A POINT, AND RUNS;  
 THENCE, N 35°46'40" WA DISTANCE OF 72.63' TO A POINT, AND RUNS;  
 THENCE, N 30°19'44" WA DISTANCE OF 67.62' TO A POINT, AND RUNS;  
 THENCE, N 32°48'25" WA DISTANCE OF 48.90' TO A POINT, AND RUNS;  
 THENCE, N 31°22'56" WA DISTANCE OF 61.88' TO A POINT, AND RUNS;  
 THENCE, N 27°10'17" WA DISTANCE OF 57.59' TO A POINT, AND RUNS;  
 THENCE, N 25°42'32" WA DISTANCE OF 58.85' TO A POINT, AND RUNS;  
 THENCE, N 19°28'35" WA DISTANCE OF 60.49' TO A POINT, AND RUNS;  
 THENCE, N 18°13'31" WA DISTANCE OF 37.96' TO A POINT, AND RUNS;  
 THENCE, N 16°18'42" WA DISTANCE OF 26.37' TO A POINT, AND RUNS;  
 THENCE, N 08°39'31" WA DISTANCE OF 20.45' TO AN EXISTING IRON PIPE IN THE CORNER OF LAND IN THE NAME OF KIMBERLY GOWER JOHNSON AS RECORDED IN DEED BOOK 3628, PAGE 932, AND RUNS;  
 THENCE, WITH JOHNSON, N 12°27'05" EA DISTANCE OF 354.96' TO AN EXISTING IRON PIPE IN THE CORNER OF LAND IN THE NAME OF ANN U WOOD et al. AS RECORDED IN DEED BOOK 5007, PAGE 850, AND RUNS;  
 THENCE, WITH WOOD, S 88°41'47" EA DISTANCE OF 387.09' TO AN EXISTING IRON STAKE IN THE CORNER OF LAND IN THE NAME OF EULA MAE BELL LIFE ESTATE AS RECORDED IN DEED BOOK 3661, PAGE 954, AND RUNS;  
 THENCE, WITH TWO PARCELS IN THE NAME OF BELL, S 88°38'00" EA DISTANCE OF 1,200.90' TO AN EXISTING IRON PIPE IN THE CORNER OF LAND IN THE NAMES OF WILLIE CAROL DAVIS HEIRS, PARCEL ID: 150780238, DEED BOOK AND PAGE UNKNOWN, AND WILBERT EDWARD McCLAMB AS RECORDED IN DEED BOOK 1047 PAGE 73, AND RUNS;  
 THENCE, WITH McCLAMB, S 88°40'53" EA DISTANCE OF 503.47' TO AN EXISTING IRON PIPE IN THE CORNER OF LAND IN THE NAME OF HEATH STREET #215 LMTD PRTRSHIP AS RECORDED IN DEED BOOK 1897 PAGE 945, AND RUNS;  
 THENCE, WITH HEATH STREET, S 86°28'17"11 EA DISTANCE OF 499.48' TO AN EXISTING IRON PIPE IN THE CORNER OF A SECOND PARCEL OF LAND IN THE NAME HEATH STREET #215 LMTD PRTRSHIP AS RECORDED IN DEED BOOK 1897 PAGE 945, AND RUNS;  
 THENCE, WITH HEATH STREET, S 00°17'44" WA DISTANCE OF 1,824.82' TO AN EXISTING IRON PIPE IN THE CORNER OF LAND IN THE NAME OF RUTH J LEE LIVING TRUST AS RECORDED IN DEED BOOK 5793 PAGE 535, AND RUNS;  
 THENCE, WITH RUTH J LEE LIVING TRUST FOR THE FOLLOWING 3 COURSES, S 01°43'58" WA DISTANCE OF 883.39' TO A POINT, AND RUNS;  
 THENCE, N 89°00'24" WA DISTANCE OF 576.84' TO A POINT, AND RUNS;  
 THENCE, S 02°01'53" WA DISTANCE OF 828.46' TO AN EXISTING IRON PIPE IN THE NORTHWEST CORNER OF LOT 9 OF THE WESTVIEW SUBDIVISION RECORDED IN PLAT BOOK 14 PAGE 119, AND RUNS;  
 THENCE, WITH THE WESTVIEW SUBDIVISION ALONG LOTS 9, 8, 7, 6, 5, 4 AND 1, S 55°49'06" WA DISTANCE OF 844.89' TO AN IRON PIPE SET IN THE NORTHERN RIGHT OF WAY OF WEST MARKET STREET, (US HIGHWAY 70 BUSINESS), AND RUNS;  
 THENCE WITH THE RIGHT OF WAY N 47°09'28" WA DISTANCE OF 294.14' TO AN IRON PIPE SET, AND RUNS;  
 THENCE, CONTINUING WITH THE RIGHT OF WAY, WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 2,016.90', WITH A RADIUS OF 4,837.29', WITH A CHORD BEARING OF N 35°12'47" W, WITH A CHORD LENGTH OF 2,002.32', TO THE POINT AND PLACE OF BEGINNING AND HAVING AN AREA OF 193.027 ACRES 8,408,257 SQUARE FEET, TO BE THE SAME MORE OR LESS.

date of the public hearing.

### 3. Discussion concerning storm drainage on Cedar Drive

Town Manager Michael Scott explained that on July 26<sup>th</sup>, the Town experienced a rain event that caused flooding throughout the Town. Following that rainstorm, Councilman Lee and some residents of Cedar Drive contacted him about flooding on that street. Water did enter some cars, but water did not get into any houses. This issue was discussed during the budget process, but it was tabled until such funding might become available through the American Rescue Plan funds or through the Federal infrastructure bill. Flooding along Cedar Drive has been and seems to continue to be a problem. Councilman Lee asked that this be placed on the agenda for further discussion.

Councilman Lee stated that the residents of Pine Acres have dealt with repeated flooding in their neighborhood. He stated the Town needed to invest funds to alleviate the flooding in the area.

Mayor Moore asked if there was any update on the federal infrastructure bill. The Town Manager responded the Senate passed a version of it, but the House wants a more robust bill. He anticipated there would be ongoing negotiations until a compromise was reached.

Councilman Scott questioned the plan for flood mitigation along Cedar Drive. The Town Manager responded there were few options because of the way the subdivision and the streets were originally built. The middle of Cedar Drive is likened to a flat bowl where water runs from both sides into the middle. There are not significant storm drains or catch basins in the center. If there is steady rain, the drains and catch basins can handle it, but if there is a major downpour, they cannot handle the water because it overflows the catch basins and stands in the middle of the block. Staff are keeping the catch basins free of debris which is helping. The plan would be to remove the existing 18" pipe and replace it with a larger one. The larger pipe would hold more water and would, hopefully during the downpours, the water would not overflow the catch basins. He further explained this would not prevent flooding in the area all the time, but he felt it would be an improvement. This was really the only improvement that could be done without spending \$100 million to elevate every house along Cedar Drive.

Councilman Scott questioned if the Town Engineer agreed with the Manager. The Town Manager responded the Engineer was less optimistic because without changing the fall of the pipes, you may not see as much improvement as you would like. The Engineer does agree that there would be some improvements, but that would not be known until the pipe was replaced.

Councilman Barbour stated the \$60,000 was not approved during the budget process. The Town Manager recalled that the decision was made by the Council to wait until the American Rescue Plan (ARP) funds were received to decide how they would be used. Councilman Barbour stated there should be a strategic plan on how to use those funds.

The Town Manager explained the ARP funds must be allocated by 2024 and spent by 2026. He stated he would like to schedule some meetings with the Council to begin identifying priorities. Once a list of priorities is made, the Council can move forward with those projects using ARP funds or the Council can choose to wait to see what the federal government's infrastructure package entails. Currently, the Town has a little over \$2 million in ARP funds that can be spent on water, sewer, sanitary sewer, stormwater infrastructure projects.

Councilman Wood stated flooding on Cedar Drive has been an ongoing issue that should be addressed. The Town Manager responded that the estimate received is dated and he would not want to be held to \$60,000 for the completion of the pipe replacement project. With increases in costs, this project could cost \$90,000.

Councilman Scott questioned if the Town could allocate funds to run a camera through all these lines. The Town Manager responded the Council approved the purchase of a camera in the newly created stormwater budget which would be used to inspect all the lines. He explained that a vac truck was needed for the stormwater department. If it was the desire of the Council to keep the storm drains clean and clear, then a vac truck was a necessity. The vac truck had the force to push anything out of the lines.

The Town Manager stated that Cedar Drive was unique. The only option was the upsize the pipe, but it will not totally mitigate the issue. It will improve the situation, but it will not completely fix it. He encouraged the Council to schedule a workshop to try to identify the best use of the ARP fund. He suggested allowing the staff to obtain some quotes on the cost of replacing the pipe on Cedar Drive.

Mayor Moore stated the Council should look at this holistically since many areas throughout Town have been flooding. It was his recommendation to direct the Manager to solicit bids for the pipe replacement on Cedar Drive and provide that information to the Council at the September meeting.

Councilman Lee expressed some reservations about waiting until September to decide what should be done on Cedar Drive.

## PUBLIC HEARINGS:

1. **Conditional Zoning Request Floyd's Landing (CZ-21-03 ):** The CE Group is requesting conditional rezoning of a portion of five parcels of land totaling approximately 199.8 acres from the R-20A (Residential-Agricultural) and B-3 (Highway Entrance Business) zoning

districts to the R-8 CZ (Residential Conditional Zoning) district for the construction of a 598-unit residential development. The properties considered for approval are located on the west side of US Highway 70 Business West approximately 300 feet northwest of its intersection with South Rodgers Drive. The properties are further identified as Johnston County Tax ID# 15079014 15078012B and a portion of Johnston County Tax ID#15078012, 15077035C and 15077035H

Councilman Barbour made a motion, seconded by Councilman Rabil, to open the public hearing. Unanimously approved.

Planning Director Stephen Wensman explained the CE Group Inc. was requesting a conditional rezoning request of 5 properties, 199.8-acres, from R-20A and B-3 to R-8 CZ with a master plan for a subdivision consisting of 118 detached single-family homes, 220 Townhomes and 360 apartment units (698 total number of dwelling units).

The site is within the Neuse River Basin and drains into the Reedy Branch and Swift Creek. The site generally slopes away from US Hwy 70 Business W. From north to south, the site is broken up into 3 developable areas by blue line streams. More than half the site is within the 100-year floodplain. The land is currently used for residential and agriculture purposes. An existing commercial billboard and the Town's Wayfinding Gateway sign are located on the property identified as Tract 1. The site is a mix of open agricultural fields and wooded areas with several single-family homes. The existing homes will be removed from the site. The commercial/residential property owned by Zane and Betty Williams is not included in the rezoning and is not part of the development property.

The site is currently zoned R-20A except for a 500' strip along US Hwy 70 Bus W that is zoned B-3. The strip of B-3 was incorporated into the Town's zoning when the ETJ was created. All the major corridors have remnant strips of commercial along them. With the rezoning, the applicant is excluding a portion of the B-3 from rezoning to create a small commercial development.

The applicant will petition for voluntarily annexation of the development into the Town of Smithfield prior to final plat approval.

The Town's land use plan guides the site for low density (north) and medium density residential (south) and conservation (west) where there is floodplain. The overall development will have an average density of 3.5 units per acre. The property identified as Tract 4 is guided for low density residential (corresponds with R-10 zoning) and allows a density of up to 4.36 units per acre (97.79 acres x 4.36 = 425 single family units). The developer is proposing 118 detached single-family and 155 townhomes (273 total units) About 44% of Tract 4 is within the floodplain and undevelopable. The proposed development is consistent with the low-density guidance of the comprehensive plan. The remainder of the development site is guided for medium density residential with a maximum allowed density of 9.68 units per acre, or 4500 sq. ft. per unit. About 50% of the remaining medium density area is within the floodplain and undevelopable. Mr. Wensman explained that the UDO does not exclude wetlands in the density calculation.

The proposed land uses and densities match the Town's comprehensive plan and are consistent with R-8 zoning. The developer has excluded portions of the affected tracts of land from the rezoning and has chosen to retain the B-3 zoning that exists for future commercial uses along the main entrance to the development. Although the B-3 zoning is inconsistent with the Town's land use plan, the requested rezoning is consistent with the Town's land use plan.

The proposed development will access the highway in 3 locations where there are existing breaks in the median. The Amazon is under development across US Hwy 70 Bus West and will also access the highway at the two southernmost median breaks. A Traffic Impact Analysis (TIA) is being prepared for this development and one has been prepared for the Amazon development. It is likely that the middle access will be a right-in/right-out. Other highway improvements are likely including right-turn deceleration lanes at each entrance to the development. The TIA will be available before the preliminary plat.

If the roads within the development will be public with 60' right-of-way. The developer is proposing three road standards. Road standard A is located at the entrances to the development and consists a 35' wide paved road back-to-back of curb with sidewalks 5' off the back of curb. Road Standard B is located in the townhouse and single family portions of the development and consists of 27' wide paved road back-to-back of curb with sidewalks 5' off the back of curb. Road Standard C is labeled as a private road, but is actually considered a parking lot by staff and does not have to meet the Town's street standards.

The Town's Standard Street Detail calls out a 34' wide road back-to-back of curb within a 60' right-of-way and a sidewalk 5' off the back of curb on one side of the street. The curbing is shown as B6-12 type matching the Town's Standard Detail. The overflow parking for the townhomes will be private and maintained by the HOA.

Approximately 151.4 acres or 75% of the site will remain undeveloped open space. This area will be comprised of streams, wetlands, ponds, flood plain and buffers. Area guided for Conservation in the Comprehensive Plan The master plan shows 50' riparian buffers as required along blue line streams.

The developer is proposing the following:

Detached Single-family Lot Size and Dimensions.

- Proposed minimum lot size is 4,829 sq. ft. for the detached single-family (R-10 (low density residential) requires 10,000 sq. ft. R-8 is 8,000 sq. ft.).

- Average lot size will be 5,150 sq. ft.
- The typical lot will be 42' wide x 115' deep (R-10 min lot width is 75/ R-8 min lot width is 60')
- Homes will be 3 bedroom and will range in size from 1,600-2,100 sq. ft.

#### Townhomes.

- The developer is proposing 4-6 unit 1400-1600 sq. ft. townhomes.
- The typical townhouse lot will be 20' wide x 100' deep. As a comparison, the approved East River Triplexes had a minimum lot width of 25' and end lots were wider.

#### Apartments.

- The property lines for the apartments are not yet defined.
- The apartments will be 1-3 bedrooms ranging from 800 sq. ft. to 1,500 sq. ft. in size:
  - o 1BD/1BA – 800sf-1,000sf
  - o 2BD/2BA – 1,050sf-1,250sf
  - o 3BD/2BA – 1,300sf-1,500sf

#### Garages.

- 1-car garage will have a 9' wide garage door and will be 11'-6" wide x 19' deep.
- 2-car garage will have a 16' wide garage door and will be 18'-9" wide x 19'-6" deep.

#### Estimated Sales Price/Rental Price.

- Single-family Home estimated sales price is the mid \$200,000s.
- Townhouses estimated sales price is between \$180,000-low \$200,000s.
- Apartment rental price will be:
  - 1BD/1BA - \$850-\$1,050 per month
  - 2BD/2BA - \$1,100-\$1,300 per month
  - 3BD/2BA - \$1,400-\$1,600 per monthly

The proposed apartments will have a building height of 50 feet (35' max per R-8 standards).

5' wide public sidewalk will be constructed in the public right-of-way along both sides of all subdivision streets.

An 8' asphalt multi-purpose trail is proposed along the US Hwy 70 Business W. (5' sidewalk is required by UDO).

Two parking spaces are proposed for each single-family residential unit (detached and attached) within an enclosed garage and driveway. Additional parking is provided in overflow parking areas. Multi-family parking will comply with the UDO requirements. There will be limited on-street parking within the townhouse developments given the separation between driveways. Within the townhome areas, there are estimated to be approximately 24 on-street parking spots in the larger area and 6 in the smaller because of the narrow street width and driveway locations.

Residential driveways are prohibited from being within 20' of an intersection corner. It's unclear whether the townhouse development complies with this requirement.

The projects will have several private parks with playground structures and passive lawn areas for informal use.

Adjacent to US Hwy 70 Business W a 50' buffer with berm and landscaping is proposed. Adjacent to the northern boundary of the site a 50' landscaped buffer is proposed. Adjacent to the southern boundary of the site a 100' landscaped buffer is proposed. Within the public right-of-way, street trees are proposed. The Townhouse and Apartment developments will be required to meet the landscape requirements of the Unified Development Ordinance (UDO).

No dumpster or trash facilities are shown but will be required with the multi-family developments.

The development will comply with the Town's stormwater management ordinance utilizing a combination of water quality ponds, bioretention areas and other approved measures to treat and control stormwater runoff. As much as possible, the stormwater measures will be within the open space areas and positioned and landscaped to be an amenity for the project.

A master sign plan will be submitted with the future preliminary plat.

The existing monument sign located at the south end of Tract 1 is within the proposed 100' landscape buffer. There is no plan to move it with the development. With annexation the town's corporate limits will move further north. The developer is willing to allow the sign to be moved by the Town.

An HOA will provide common ownership and maintenance of the shared open space, stormwater SCMs and amenities.

The developer is seeking deviations from the UDO as part of the rezoning. The purpose of conditional zoning is to provide flexibility from conventional zoning and to allow creative projects to occur through a negotiated (give and take) approach to achieve the desired project that both the developer and town mutually can be satisfied with. The applicant is seeking the following deviations from the following UDO Requirements:



## Requested Deviations from UDO Requirements

Item	R-8/UDO	R-8 CZ
SF Min. lot size	10,000 sq. ft. (.23 ac.)	4,829 sq. ft. (.11 ac.)
SF Min. lot width	70 feet	42 feet
SF Min. front setback	30 feet	20 feet
SF Min. Side Setback	10 feet	5 feet
SF Min Rear Setback	25 feet	20 feet
TH Min. front setback	30 feet	20 feet
TH Min. Side Setback	10 feet	0 feet
TH Min Rear Setback	25 feet	10 feet
Max. Bldg. Height	35 feet	50 feet (3 story apartments)
Street	34' wide back-to-back with 5' utility strip at the back of curb, sidewalk on one side.	27' wide back-to-back with 5' utility strips and sidewalks on both sides of the street.
Sidewalks	1 side of each street and along US Hwy 70	2 sides of each street and an 8' trail along US Hwy 70
Multi-family storage Spaces	24 SF enclosed storage space per unit.	Storage may be included in garage units and be available for rent. Not shown on Master Plan.

- Proposed Improvements Exceeding UDO requirements:
  - 50-foot landscape buffer along north side
  - 50-foot bermed landscape buffer along east side
  - 100-foot landscaped buffer along south side
  - 8' multi-use trail along US Hwy 70 W vs. 5' sidewalk
  - Undisturbed open space within floodplain and common owned areas.

Planning Staff recommends approval of CZ-21-03 with the following conditions:

1. That the future preliminary plat and development plans for the subdivision be in accordance with the approved Master Plan, R-8 Zoning District, and UDO regulations with the following deviations:

Item	R-8 CZ
SF Min. lot size	4,829 sq. ft. (.11 ac.)
SF Min. lot width	42 feet
SF Min. front setback	20 feet
SF Min. Side Setback	5 feet
SF Min Rear Setback	20 feet
TH Min. front setback	20 feet
TH Min. Side Setback	0 feet
TH Min Rear Setback	10 feet
Max. Bldg. Height	50 feet (3 story apartments)
Street	27' wide back-to-back with 5' utility strips and sidewalks on both sides of the street.
Sidewalks	2 sides of each street and an 8' trail along US Hwy 70

Multi-family storage Spaces	Storage may be included in garage units and be available for rent. Not shown on Master Plan.
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2. That the public street at the south end of the subdivision terminate with 96' diameter cul-de-sac bulbs to meet Fire Code.

Town of Smithfield Planning Board, at its July 1, 2021, meeting, unanimously voted to recommend approval of CZ-21-03 with staff recommendations and additional Planning Board initiated conditions of approval:

1. Decorative street lighting and decorative street signs be provided by the development throughout the site.
2. Provide an additional 10 feet of right-of-way on streets that serve as entrances into the development for the accommodation of landscaped medians to be installed by the developer and maintained by the HOA.
3. Provide subdivision signs made from robust material with landscaping equal to the area of the sign at all entrances into the development.
4. Provide a complete landscape plan showing one understory tree per residential lot to be planted adjacent to and outside of the public right-of-way.
5. Landscape buffers on the north and south ends of the development shall be 100 foot wide with planted berms.
6. All land held in common ownership that is adjacent to a public right-of-way shall be planted with a minimum of 2 shade trees per 100 feet linear feet of road frontage. These trees shall be planted adjacent to and outside of the public right-of-way and shall be maintained by the HOA.
7. Public right-of-way serving the townhouse portion of the development be declared a no parking zone.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the August 3, 2021 agenda packet.

Mayor Moore asked if there were any questions from Council.

Councilman Barbour stated he was concerned about backyards being visible from Highway 70. He questioned if there was any type of barrier between the highway and the backyards. Mr. Wensman responded that he had not seen a berm design or landscape design and he felt the developer could better respond to the question. Mr. Wensman stated that a well-designed berm with landscaping could achieve a good screen and block views. This was also a recommended condition.

Mayor Moore stated there were several subdivisions that have berms and they look worse than if there had been no berms because they are not being maintained. Mr. Wensman responded since this was a recommended condition, during the preliminary plat, the Council has the opportunity to scrutinize the landscaping plan and accept it, reject it or table it until they comply with the Council's recommendations.

Councilman Scott questioned if the walking trail would be in the right-of-way because this could impact the size of the berm.

Mark Ashness of Carolina Land Group explained that the company develops a plan for the area and then they sell those lots to a regional home builder. The apartments will be built and held by the entity. Mr. Ashness stated his firm was fixated on the land use plan which the northern part can have up to four units to the acre, predominantly single-family homes. The bottom third portion of the land is medium density which stated you can have up to 8 units per acre. Apartments and town homes would work well in that area. For the apartments, there will be a solid waste collection with a compactor unit.

With regard to the berm on Highway 70, Mr. Ashness stated the 50' width was adequate for installation of the 8' multi-use tail system along the right-of-way leaving over 40' for the construction of the berm. The berm on the south side of the project would be wider since there are single-family homes already there.

Mr. Ashness stated his firm was comfortable with all the recommendations made by the Planning Board.

Councilman Scott stated one of the conditions of approval made by the Planning Board was the prohibition of parking in front of the townhomes. Mr. Ashness responded there will be accessory parking approximate to any dwelling. He further stated they were happy to ensure that there would be at least two spaces in the single car garage locations and there would be satellite parking spaces. There would be no on street parking allowed.

Mayor Moore questioned if the apartments would be maintained by the group. Mr. Ashness responded everything within the development would be a part of the HOA, but the apartments would also have their own association.

Councilman Barbour questioned the two properties that would remain zoned B-3 and if there were any

plans for those properties. Mr. Ashness responded it would be dependent on the community needs and was not part of this project. Councilman Barbour questioned if the homeowners would be responsible for maintaining their lawns. Mr. Ashness responded the single-family homeowners would maintain their lawns. The townhomes would have common maintenance.

Mayor Moore expressed concerns about parking because without adequate parking, people will park on the streets. Since the proposal includes narrow streets, on street parking would create a major problem. Mr. Ashness responded that it was their goal to make overflow parking proximate to the dwellings so there wasn't an issue with on street parking.

Mayor Moore expressed concerns about the width of the roadway throughout the development. He explained there had been a lot of discussion from emergency personnel concerning the narrow road. Mr. Ashness responded that while he understood the concern, the narrower streets tended to slow down traffic in the development which was a more pedestrian oriented approach. He further explained that this plan showed the minimum requirements, but everything would not be done at the minimum level.

Mr. Wensman stated that during the discussion he heard two additional conditions related to parking. One condition offered by the developer was to have two-car garages on the end units of the townhomes. The other condition was satellite parking spaces would be no more than two building away from any individual unit.

Councilman Scott questioned if it would be appropriate to table the discussions to allow staff to work with the developer on concerns expressed by the Council.

Mayor Moore questioned if the developer had design specifications for the exterior of the homes and townhomes. Typically, the builders will use vinyl siding. Councilman Scott questioned if the developers would consider requiring hardie board siding or 25% stone siding.

Mayor Moore asked if there was anyone in attendance who wished to speak on the matter. There was no one in attendance that wished to speak on the matter.

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

Councilman Wood made a motion, seconded by Councilman Barbour, to table this item until the September meeting with the following additional conditions:

- Townhomes: end units would have two-car garages
- 2.5 spaces with satellite parking being no more than two grouping of townhomes away
- Defined locations of mailbox kiosks and garbage receptacles
- Details of building materials
- Physically show trail/sidewalks
- 25% stone façade or siding other than vinyl siding
- Detail of berm and landscape
- Compliance with all Planning Board recommendations
- Detail of collector roads and division of the different types of roads throughout the development.

Unanimously approved

2. **Conditional Zoning Request: American Leadership Academy (ALA) Johnston Charter School (CZ-21-04):** The applicant is requesting conditional rezoning of a 47.78-acre parcel of land from the LI (Light Industrial) zoning district to the OI CZ (Office Institutional Conditional Zoning) district for the construction of a charter school. The property considered for approval is located on the east side of US Highway 70 Business West approximately 230 feet north of Cloverdale Drive and further identified Johnston County Tax ID# 17J08004

Councilman Barbour made a motion, seconded by Councilman Rabil, to open the public hearing. Unanimously approved.

Planning Director Stephen Wensman explained Johnston CD, LLC (Jim Way) was requesting a conditional rezoning of 48.783 acres from Light Industrial to Office/Institutional Conditional Zone to construct American Leadership Academy Johnston, a K-12 charter school. The site was currently used for agriculture. The site gently slopes from US 70 Business West to the east to the Poplar Branch. The floodway and flood zones of the Poplar Branch extend about 145' from the eastern property line. The industrial property to the north is buffered from the site by existing trees. There was an existing tree line between the farm field and the Whitley Heights subdivision.

Mr. Wensman explained conditional zoning was a rezoning with a master plan. The conditional zoning process allows a give and take approach to zoning regulations. In this case, the ALA Johnston charter school is not requesting any deviations from the underlying Office/Institutional zoning district regulations.

The property falls within the WS-IV-PA (Protected Area Watershed Overlay District) which imposes

some additional stormwater regulations on the property. The development as a charter school will have less impervious than most residential or other non-residential development and will not have an impact on the proposal.

The sketch plan - diagram shows a looped driveway with two access driveways onto US 70 Business West. The plans show two school buildings, an elementary school, and a high school. Each school is shown to have its own play area/greenspace area and drop off areas. The schools share a common parking lot located south of the schools, a looped drive around the site and a shared bus drop-off/service area. The plans show a large stadium area and stormwater management areas to the east of the schools. The plans are still in a preliminary sketch plan phase and subject to change, however, the basic elements are all shown.

The proposed development will have two driveway accesses onto US 70 Business West. An NCDOT driveway permit will be required for both driveways. The northerly drive will be for ingress and the southerly driveway will be for egress. A TIA is underway to determine required upgrades to the highway.

The sketch plan identifies a large parking area to the south of the future school site that will service both the Elementary School and High School. Two smaller parking lots are shown providing additional parking for the children's play/greenspace and a stadium.

All required setbacks will be complied with.

A 5' wide public sidewalk will be required along the US 70 Business West right-of-way.

The sketch plans conceptually identify a Type A buffer to the north and a Type B buffer to the south. A 15' street yard will be required along US 70 Business West.

No accessory buildings were identified at this time.

The current plan was to serve the site with town water and sewer utilities with a master meters on a county lines.

Two stormwater basins are shown on the east side of the site. Stormwater management is required.

Planning Staff and the Planning Board recommend approval of CZ-21-04 with 1 condition:

1. That the site plans/construction plans be submitted for review in accordance with the Town's Unified Development Ordinance,

with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the request is reasonable and in the public interest.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the August 3, 2021 agenda packet.

Mayor Moore asked if there were any questions from Council.

Councilman Barbour questioned if annexation into the Town could be made as a condition of approval. Town Attorney Bob Spence explained that this was in Wilson's Mills Fire District, and he would speak with them about this property.

Mayor Moore expressed some concerns about traffic backing up on Highway 70. David Powlen with Little Diversified Architectural Consulting stated his traffic engineer had had multiple discussions with NCDOT. They have their own set of requirements for charter schools which are more stringent than those for public schools. Mr. Powlen explained the Upper School has been rotated so that traffic could be circulated through the site. As part of NCDOT's requirements, we have to file a traffic management plan of how all this is going to work on campus, how that circulation is going to work, which vehicles are using which efforts and so forth, to get on and off the site. We are also in the process of completing a traffic study.

Councilman Barbour questioned if the school would be built and ready for students starting the next school year. Mr. Powlen stated everything would be constructed at the same time. The lower school would be kindergarten through seventh grade and the upper school would be eight grade through twelfth grade.

Councilman Barbour questioned the total enrollment. Mr. Powlen responded total enrollment would be 1950. Education standard would be the same and electives and sports would be based on student interest.

Mayor Moore asked if there was anyone in attendance who wished to speak on the matter. There was no one in attendance that wished to speak on this matter.

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

Councilman Scott made a motion, seconded by Councilman Barbour, to approve zoning map amendment CZ-21-04, with 2 conditions

1. That site plans/construction plans be submitted for review in accordance with the

Town's Unified Development Ordinance.

2. The property is voluntarily annexed into the Town of Smithfield

finding is consistent with the Town of Smithfield Comprehensive Growth Management Plan as to be and other adopted plans, and that the amendment is reasonable and in the public interest. Unanimously approved.

3. **Rezoning Request: Ronda Miller (RZ-21-01):** The applicant was requesting to rezone a portion of two parcels of land totaling approximately .64 acres from the B-3 (Highway Entrance Business) zoning district to the R-20A (Residential-Agricultural) zoning district. The properties considered for approval are located on the southwest side of the Hill Road approximately 230 feet southeast of its intersection with US Highway 70 Business East. The properties are further identified as a portion of Johnston County Tax ID#15L11051 and 15L11051D.

Councilman Barbour made a motion, seconded by Councilman Wood to open the public hearing. Unanimously approved.

Planning Director Stephen Wensman explained Ronda Miller was requesting the rezoning of two properties consisting of Tract 2 (3.58 acres) and Tract 3 (6.579 acres) from B-3 to R-20A. He explained the parcels, Tract 2 and Tract 3, are split zoned between the B-3 and R-20A. The applicant was planning to construct detached single-family homes on each lot and would like the properties to be zoned R-20A. The applicant also owns Tract 1 with a B-3 zoning and would like to retain the existing zoning designation. She intends to use the property for an agriculture related retail business. The Comprehensive Growth Management Plan guides these properties for Rural Residential, including Tract 1 (not part of this application). The rezoning is consistent with the comprehensive plan.

Planning Staff and the Planning Board recommend approval of RZ-21-01 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the August 3, 2021 agenda packet.

Mayor Moore asked if there were any questions from Council.

Councilman Scott questioned how many homes would be constructed on the two lots. Mr. Wensman responded one house per lot would be constructed.

Mayor Moore asked if there was anyone in attendance who wished to speak on the matter. There was no one in attendance that wished to speak on this matter.

Councilman Barbour made a motion, seconded by Councilman Stevens, to close the public hearing. Unanimously approved.

Councilman Barbour made a motion, seconded by Councilman Wood, to approve zoning map amendment, RZ-21-01, finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest. Unanimously approved.

Town Clerk Shannan Parrish administered affirmations to those that wished to offer testimony during the Public Hearings.

4. **S-21-02 Spring Branch Commons:** The applicant is seeking approval of a 10-lot residential subdivision on property located within an R-8 CZ (Residential Conditional Zoning) district. The property considered for approval is located on the southeast side of the intersection of South Sixth Street and East Johnston Street. The property is further identified as Johnston County Tax ID#15026060.

Councilman Barbour made a motion, seconded by Councilman Stevens, to open the public hearing. Unanimously approved.

Planning Director Stephen Wensman testified that TerraEden Landscape and Design, LLC, was requesting 10-lot detached single-family residential preliminary plat of a 1.21-acre parcel in the R-8 CZ district. The applicant had the property rezoned to R8-CZ on May 4, 2021, with a master plan for a 10-detached single-family residential subdivision. The preliminary plat was consistent with the approved master plan. The only difference is the plat now shows that accessory structure on the back for the water heater.

The Planning Department and Planning Board recommended approval with the following conditions:

1. That the driveway aprons be constructed in accordance with the Town's Standard Specifications and Details.
2. That concrete pads for trash bins be shown on the master plan and construction plans.
3. That the valley curb in the public right-of-way be replaced with B6-12 curb.
4. That the Homeowner's Association be responsible for fences and landscaping.
5. That subdivision construction plans be submitted in accordance with the standards of the Unified

Development Ordinance for Town Staff approval.

Mr. Wensman reviewed staff's opinion of the findings. They are as follows:

**STAFF'S OPINION ON THE FINDINGS OF FACT**

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 and the R-8 Conditional Zoning District.
3. There is adequate infrastructure.
4. The plan will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the August 3, 2021 agenda packet.

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

Mayor Moore asked the applicant if he agreed with the testimony provided by Mr. Wensman and if he had additional testimony to offer. Paul Embler of 11 Kentwood Drive agreed with the testimony offered by Mr. Wensman.

Mayor Moore asked if there was in attendance that was duly sworn in who wished to testify on the matter. There was no one in attendance that wished to testify on this matter.

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

Councilman Barbour made a motion, seconded by Councilman Wood, to approve the Spring Branch Commons Preliminary Plat, S-21-02, with 5-conditions based on the finding of fact for preliminary subdivisions. Unanimously approved.

**Councilmembers Comments:**

- Councilman Barbour expressed his appreciation to Town staff for all their efforts with the drone program.
- Councilman Lee expressed concerns about a property at 306 Martin Luther King, Jr, Drive. He explained it was an eyesore and it needed to be addressed.
- Councilman Scott expressed his appreciation to everyone for their condolences after the passing of his grandmother.
- Mayor Moore stated he was pleased that the DSDC was going to conduct two more Third StrEATery events. These events have been very well attended.

**Town Manager's Report:**

Town Manager Michael Scott gave a brief update to the Council on the following items:

- The Fire Chief search has been narrowed to the final two candidates. These candidates will participate in a meet and greet with the Town on August 12th at 6:30 to 8:30 pm on Thursday, August 12th in the Council Chambers. The public is invited to attend and meet the final candidates. Any input anyone would care to share on the candidates can be completed by calling 919-989-1077 or emailing the Town Manager at michael.scott@smithfield-nc.com.
- A public hearing on the proposed Pedestrian Transportation Plan is scheduled for Wednesday, August 11th from 2:30 to 3:30 pm in the Council Chambers.
- NCDOT has a planned road closure for 301 South between Holt Lake Barbeque and The DMV License Plate Office starting Monday, August 9th, weather permitting. The planned repairs to 301 South are estimated to last 7 to 10 days though this schedule could be less if all goes well. Traffic will be detoured onto I-95 between via exits 90 and 93 during these repairs.

**Closed Session Pursuant to NCGS 143-318.11 (a) (6)**

Councilman Barbour made a motion, seconded by Councilman Wood, to enter into Closed Session pursuant to the aforementioned statute. Unanimously approved at approximately 10:56 pm

**Reconvene in Open Session**

Councilman Stevens made a motion, seconded by Councilman Wood, to reconvene in Open Session. Unanimously approved at approximately 11:19 pm.

No action was taken by the Council following the Closed Session

**Adjourn**

Being no further business, Councilman Scott made a motion, seconded by Councilman Wood, to adjourn the meeting. Unanimously approved. The meeting adjourned at approximately 11:20 pm.

ATTEST:

  
Shannan L. Parrish, Town Clerk



  
M. Andy Moore, Mayor