

The Smithfield Town Council met in regular session on Tuesday, November 9, 2021 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor Pro-Tem John Dunn presided.

Councilmen Present:

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

Councilmen Absent

M. Andy Moore, Mayor
David Stevens, District 2
Roger Wood, At-Large

Administrative Staff Present

Michael Scott, Town Manager
Michael Brown, Fire Chief
Ted Credle, Public Utilities Director
Lawrence Davis, Public Works Director
Gary Johnson, Parks & Rec Director
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

Tim Kerigan, Human Resources/PIO

CALL TO ORDER

Mayor Pro-Tem Dunn Moore called the meeting to order at 7:00 pm.

INVOCATION

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

APPROVAL OF AGENDA:

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

Remove From the Consent Agenda:

3. Special Event: Tent Revival – The Smithfield Church of God is requesting approval to conduct a tent revival November 14th through the 19th from 7:00 pm until 10:00 pm at the church located at 1710 West Market Street. This request included the use of amplified sound and a 50' x 90" tent.

6. Special Event: Christmas Concert – The Johnston County Community Choir is requesting approval to hold a Christmas concert on December 4, 2021 from 6:30 pm until 8:30 pm at the Town Commons Stage. This request includes the use of amplified sound and the closure of the 200 block of North Front Street.

Add to the Consent Agenda:

14. Consideration and request for approval to reappoint Mike Fleming to the Johnston County Economic Development Committee representing the Town of Smithfield

15. Bid Award to GroundsOne Landscaping Contractors in the amount \$22,083 to complete landscaping at the Town Commons between the Boat ramp and the Boy Scout Hut

Unanimously approved.

PRESENTATION:

1. Administering the Oath of Office to Fire Chief Michael Brown

Mayor Pro-Tem Dunn administered the Oath of Office to new Fire Chief Michael Brown and welcomed him to the Town of Smithfield

PUBLIC HEARINGS:

- 1. Conditional Zoning Request – Smithfield Police Department (CZ-21-05):** The applicant was requesting conditional rezoning of 3 parcels of land totaling 1.54 acres from the R-8 (Residential) zoning district to O&I CZ (Office-Institutional Conditional Zoning) district for the expansion of the existing police department facilities. The properties considered for approval are located on the west side of South Fifth Street approximately 340 feet south of its intersection with East Market Street. The properties are further identified as Johnston County Tax ID# 15025051, 15025052B and 15025048.

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

Planning Director Stephen Wensman explained the existing Police Station property was zoned to an O/I Conditional Use District (O/I CUD) for the construction of the police station. With 160D legislation, old CUDs are now conditional zoning districts.

Conditional Zoning is a rezoning with a master plan and the land use is limited to the use on the approved master plan. Reasonable conditions may be placed on the rezoning like special use permits with the applicant's consent. The conditional zoning process allows a give and take approach to zoning regulations. In this case, the master plan includes an expansion of the adjacent Police Department facilities onto the properties being rezoned.

The Town of Smithfield Police Station is an 8,135 sq. ft building with two parking lots, a 24-space lot in the rear of the building and a one-way 10-space lot in the front of the building. Vehicular access is from a mid-block alleyway. Vehicles enter the alley to access either lot. The parking lot in the front of the building is designed for one-way traffic with an exit onto S Fifth Street. The rear parking lot is designed for two-way traffic with a second access to/from the Fire Department property that fronts on S. Fourth Street.

Also to the rear of the building is an existing shed that occupies two parking spaces, a mechanical yard, HVAC system and an existing cell tower and fenced area. There is no stormwater management facility on the property and stormwater sheet flows off the site. There are no known wetlands or floodplain on the property.

The master plan shows a 3,650 sq. ft. expansion to the existing 8,135 sq. ft. police station onto the two vacant parcels to the south. The plan expands the front yard parking lot to the southside of the building connected to the Fire Station parking lot. The master plan includes a stormwater control facility (SCM). Additional improvements will include landscaping and lighting.

The Master Plan shows no change to the rear parking lot configuration but modifies the front parking lot. The front parking will no longer have alley access; will have two driveways onto S Fifth Street and will wrap the parking around the south end of the building to connect to the Fire Department parking lot.

The plan adds additional 33 parking stalls for a total of 64 parking spaces. The Unified Development Ordinance (UDO) requires 59 parking spaces (11,785 sq. ft. /1000 x 5 = 59). There are 5 more parking spaces than required.

The parking lot will have B6-12 concrete curb and gutter and missing sections of curb will be installed on S Fifth Street at the old driveway location and along the alley.

Building Setbacks. The building exceeds the O/I District setback requirements.

	O/I Setbacks
Front	25 ft
Side	8 ft
Rear	15 ft

No landscape plan has been provided, but the plan provides space for a standard Streetyard and partially reduced Bufferyard adjacent to the existing residential property.

	O/I	Proposed O/I-CZ
Streetyard	12.5 ft (1 tree and 20 shrubs per 100 lin. Ft.)	12.5 ft (no landscape plan provided)
Bufferyard adjacent O/I	50% of Type A (5' wide- 1 tree and 6 shrubs per 1,000 sq. ft.)	5' (no landscape plan provided)
Bufferyard adjacent to residential	Type B (20' wide – 1 tree and 8 shrubs per 1,000 sq. ft.)	20' and 4' (no landscape plan provided)
Interior parking lot and foundation plantings will be as required.		

Interior parking lot and foundation plantings will be as required.

The Planning Board was concerned about headlights glare into the back yard of the adjacent residential property and recommended an additional condition of approval:

- o That the landscape plan includes a solid row of Green Giant Arborvitae planted at a minimum of 3 feet on center at least 5' tall adjacent to the adjacent residential property.

Public sidewalks. A 5' wide public sidewalk will be repaired as needed along South Fifth Street.

Utilities. The Police Department is served by Town water, sewer and electricity.

Stormwater Management. A stormwater control facility (SCM) will be located at the south end of the parking lot with an overflow structure to pipe water under S Fifth Street to the existing ditch on private property. The Town is currently seeking an easement from the private property owner for the drainage.

A lighting plan will be provided by the Town of Smithfield Utilities Department meeting Town UDO requirements.

Request deviations from UDO Requirement

One of the purposes 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 has not identified any deviations from the O/I regulations. By choosing a conditional rezoning, the use of the site can only be as shown on the plans.

The Town is requesting the certain deviations from the UDO requirements to facilitate the construction of the Police Department expansion:

- 16 ft partial reduction in the Bufferyard adjacent to the parking lot (extension of Fire Station parking).

Planning Staff and the Planning Board recommend approval of CZ-21-05 with 6 conditions finding the rezoning consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the rezoning is reasonable and in the public interest.”

1. That site plans/construction plans be submitted for review in accordance with the Town’s UDO with the following deviation:
 - a. 16 ft reduction in the Bufferyard adjacent to the parking lot (extension of Fire Station parking).
2. That the public sidewalk be replaced as determined by the Public Works Director.
3. That a landscaping plan be provided in accordance with UDO requirements.
4. That a site lighting plan be provided in accordance with UDO requirements.
5. That the 3 properties be combined into a single lot.
6. That the landscape plan includes a solid row of Green Giant Arborvitae planted at a minimum of 3 feet on center at least 5’ tall adjacent to the adjacent residential property.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the November 9, 2021 agenda packet.

Mayor Pro-Tem Dunn asked if there were any questions from Council. There were none.

Mayor Pro-Tem Dunn 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 Rabil made a motion, seconded by Councilman Scott, to close the public hearing. Unanimously approved.

Councilman Scott made a motion, seconded by Councilman Rabil, to approve zoning map amendment CZ-21-05, 6 conditions, finding the rezoning 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.

2. **Conditional Zoning Request – Britt Street Triplexes (CZ-21-08):** The applicant is requesting to rezone a .7-acre tract of land from the B-3 (Highway Entrance Business) zoning district to the B-3 CZ (Conditional Zoning) district for the construction of a six-unit townhouse project. The property considered for approval is located on the east side of the intersection of West Market Street and Britt Street and further identified as Johnston County Tax ID# 15L11006.

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

Planning Director Stephen Wensman explained the site was currently an empty lot. The site was relatively flat and open with a few mature trees. A gravel driveway crosses the site from Britt Street to the adjacent office located to the south. There is no wetland or other environmental features on the site. Britt Street is a 24-foot-wide road with ditches on both sides in a 60 ft. right-of-way.

The property was guided for commercial in the Town’s comprehensive plan. Within the commercial zoning district, multi-family developments require a special use permit. An alternative to obtaining a special use permit is to rezone the property to a conditional zoning district where the land use on the master plan is the use permitted in the district. The applicant is requesting a conditional zoning with a master plan for 2-triplex townhomes.

The applicant is proposing to the land into a 6-lot attached single-family residential triplex subdivision. The units will be a mix of one-story and two-story townhomes. The one-story homes will be 3 bedroom/2 bath and the two-story homes will be 3 bedroom/2 ½ bath. All units will have a single car garage with 3 driveway parking spaces, covered rear porch. Landscaping. Exterior maintenance will be the responsibility of a homeowner’s association.

- Min. lot size. The lots range in size from 3,362 sq. ft. (.08-aces) to 9,556 sq. ft. (.22 acres).
- Development density. The UDO allows a maximum density of 4500 sq. ft. gross site area per unit. The development has a density of 5,082 gross site area per unit.
- Lot dimensions. The minimum lot dimension is 26’ x 128’.
- **Setbacks.**

	Proposed B-3 CZ	B-3 Setbacks
Front	30 feet	35 feet
Side from Market	50 feet	50 feet
Side	Zero/10' from adjacent residential	15 feet
Rear	40 feet	25 feet

- Unit sizes. Each Triplex contains two single-story units and one two-story unit.
 - Single-story end units will have 1,211 heated sq. ft. with a 130 sq. ft. covered rear porch, 20 sq. ft. front porch and 228 sq. ft. garage.
 - Two-story center units will have 1,362 heated sq. ft. with 210 sq. ft. covered rear porch, 68 sq. ft. front porch, and 40 sq. ft. storage and 223 sq. ft. garage.
- Unit sales prices. The developer’s expected sales prices are between \$220,000-\$235,000.
- Building materials. The triplexes will have a combination of vinyl lap, board and batten siding and brick or stone materials. No details have been articulated for the end units.
- Driveway access. Each triplex unit will have an 18’ wide driveway with access off of Britt Street. The driveways are shown to flare out in the public right-of-way to a width of 26’. The center two driveways forming a continuous flared width of 56’ which will provide access to a shared mailbox.
- Parking. Each unit will allow for parking within a single car garage and three spaces in the driveway, exceeding the UDO requirement of 2 spaces per unit.
- Public sidewalks. A 5’ wide public sidewalk is proposed in the Britt Street public right-of-way outside of the drainage ditch. The UDO also requires a 5’ sidewalk along West Market Street. This should be a condition of approval.
- Landscaping. A detailed landscape plan was submitted that shows ample buffer plantings from adjacent properties and from Market Street exceeding UDO Standards. In the front yards, there will be one ornamental tree per unit and more than 4. Every other unit has a canopy tree in the front yard.
- Trash and recycling rollouts. Storage of trash and recycling rollouts should be provided for within the rear yard or garage except on pick-up days.
- HOA. An HOA will provide common maintenance of the exterior of the building and landscaping.
- Utilities. The triplexes will utilize existing sewer and water utilities.
- Stormwater Management. The site is exempt from stormwater attenuation.

Requested deviations from UDO Requirement

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:

Item	Proposed B-3 CZ	B-3
Front Setback	30 feet	35 feet
Side Yard Setback	10 feet	15 feet

The development exceeds UDO Requirements as follows:

- Exceeds required parking with 4 spaces per unit.
- Exceeds landscape requirements

Planning Staff and the Planning Board recommend Planning Staff and the Planning Board recommend approval of CZ-21-08 with 3-conditions 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:

1. That the preliminary plat and construction documents be in accordance with the approved master plan, requirements of the Unified Development Ordinance and the B-3 zoning district with the following deviations:
 - a) Front Setback 30 feet
 - b) Side Setback 10 feet
2. That a 5’ wide concrete sidewalk be constructed in or alongside the Market Street public right-of-way in an easement.

3. That the HOA be responsible for maintenance of the building exterior and landscaping.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the November 9, 2021 agenda packet.

Mayor Pro-Tem Dunn asked if there were any questions from Council.

Councilman Barbour expressed concerns about the Homeowners Association (HOA) being able to maintain the development since there was only six units. Town Attorney Bob Spence responded the HOA could place a lien on the homeowners for unpaid dues and assessments. They allow that lien to be foreclosed like a mortgage. Councilman Barbour asked the Town Attorney to review the HOA agreement.

Councilman Scott wished something could be included in the HOA agreement that the units had to be 90% owner occupied. He understood this could not be a condition of approval.

Mayor Pro-Tem Dunn questioned the appearance of the end units. Mr. Wensman responded he had not received elevation plans of the end units, but this project had the most robust landscaping plan.

Mayor Pro-Tem Dunn 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 Rabil made a motion, seconded by Councilman Barbour, to close the public hearing. Unanimously approved.

Councilman Barbour made a motion, seconded by Councilman Rabil, to approve zoning map amendment CZ-21-08, 3 conditions, finding the rezoning 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.

3. **Preliminary Plat Approval – Britt Street Triplexes (S-21-04)**: The applicant is requesting subdivision approval to divide a .7-acre tract of land into 6 lots for the construction of a six-unit townhouse project. The property considered for approval is located on the east side of the intersection of West Market Street and Britt Street and further identified as Johnston County Tax ID# 15L11006.

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

Planning Director Stephen Wensman testified this project was the same as outlined in the previous agenda item. In order to approve the preliminary plat, the plat should be in substantially in conformance with the B-3 CZ rezoning master plan, CZ-21-08. Staff finds the preliminary plat in conformance with the master plan.

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 B-3 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 Staff recommend approval of S-21-04 with 4-conditions based on the finding of fact for preliminary subdivision:

1. That the preliminary plat and construction documents be in accordance with the approved master plan, requirements of the Unified Development Ordinance and the B-3 zoning district with the following deviations:

a) Front Setback	30 feet
b) Side Setback	10 feet
c) Distance between buildings	11 feet
2. That a 5' wide concrete sidewalk be constructed in or alongside the Market Street public right-of-way in an easement.
3. That the HOA be responsible for maintenance of the building exterior and landscaping and submitted to the Town attorney for review prior to final plat.
4. Park dedication fee in lieu be paid in full prior to recording the final plat.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the November 9, 2021 agenda packet.

Mayor Pro-Tem Dunn asked if there were any questions or comments from the Council. There were none.

Mayor Pro-Tem Dunn asked the applicant if he agreed with the testimony provided by Mr. Wensman and if he had additional testimony to offer. Paul Embler of Kentwood Drive, Smithfield, North Carolina, testified that he agreed with the testimony offered by Mr. Wensman. He further testified he had attended a number of public hearings and listened to the Council's comments in regard to other projects. We've tried to address as many of those issues in the design of this project.

Mr. Embler testified that smaller HOAs were common in today's market so he felt there would be no issue with the HOA. This was in response to comments made during the previous public hearing.

Mayor Pro-Tem Dunn asked if there was in attendance that was duly sworn in who wished to testify on the matter. There was no one in attendance who wished to testify on the matter.

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

Councilman Barbour made a motion, seconded by Councilman Rabil, to approve S-21-04, with 4 conditions based on the finding of fact for preliminary subdivisions. Unanimously approved.

- 4. Conditional Zoning Request – Spring Branch Phase 2 (CZ-21-09):** The applicant is requesting to rezone 5 tracts of land totaling approximately .68 acres from the R-8 (Residential) zoning district to the R-8 (Conditional Zoning) district. The properties considered for approval are located on the northeast side of the intersection of East Johnston Street and South Sixth Street and further identified as Johnston County Tax ID# 15026056, 15026057, 15026058, 15026058A and 15026058B.

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

Planning Director Stephen Wensman explained TerraEden Landscape and Design, LLC, is requesting a conditional rezoning to rezone 5 properties (0.8084-acres) in the R-8 Zoning District to R-8 CZ with a master plan for a 6-lot detached single-family residential development.

The site is currently vacant and has been since before 2001. Prior to 2001, the site was used for warehousing. Remnant valley curb remains where there was vehicle access to the old warehouse site along S. Sixth Street. The curbing along E. Johnson Street is B6-12 type. Overhead electric utilities run along the right-of-way on both streets. An existing streetlight is attached to the power pole at the intersection of S. Sixth and E. Johnson Street.

The site is bisected by a public alley. A portion of the alley appears to have been closed with the land reverting back to the owners (Lafayette Atkinson) and (AVS Investments LLC). The applicant/owner plans to petition for closure of the remaining alley. The site plan is reliant on that closure, so it is a condition of approval.

MASTER PLAN ELEMENTS/ANALYSIS:

The applicant is proposing to redevelop the land into a 6-lot detached single-family residential subdivision.

- Future Subdivision. The future subdivision will be a minor subdivision because the applicant is only creating one new lot and there is no public dedication associated with the development.
- Driveway access. All the lots are accessed from the rear of the property by one of two 16 ft. wide private driveways on S. Sixth Street. Lot 1 utilizes the northernmost driveway; whereas, Lots 2-6 utilizes the southernmost driveway.

The driveways will be on common open space providing access to private parking on individual residential lots and to 4 guest/overflow parking spaces on the common open space. The shared driveway is shown with no curb and gutter typical of other residential alleys in town. The shared driveway eliminates the need for individual driveways on each lot and supports the pedestrian character of the development. Driveway within the public right-of-way will need to be constructed in accordance with the Town's standard detail for driveways.

- Open space/Recreation/Mail Kiosk. The applicant is proposing 0.39-acres, 49% of the site, as common open space providing driveway access to residential parking, guest/handicap parking, mail kiosk, picnic shelter, picnic tables, play structure, and an area light.
- Min. lot size. The 10-lots range from 3,444 sq. ft. (.079-aces) to 5,046.48 sq. ft. (.12 acres in size). The average lot size is 3,770 sq. ft. (.087 acres). The R-8 District requires 8,000 sq. ft. lots, so this is a deviation from the UDO.

- Lot dimensions. The minimum lot dimension is 41' x 84' and the largest lot is 59.97' x 100'. The R-8 District requires 70' of road frontage, so this is a deviation from the UDO.
- Setbacks.

	Proposed R-8 CZ Setbacks	R-8 Setbacks
Front	10 feet	30 feet
Corner Side	12 feet	15 feet
Side	5.5 (11' between bldgs..)	10 feet
Rear	25 feet	25 feet

The reduced setbacks are typical of an urban pedestrian-oriented or traditional neighborhood development and supported by pedestrian-scaled elements, porches, and fences. The public boulevard along Massey Street is about 12 feet wide which is about typical of most streets in town. The boulevards along East Johnson and South Sixth Street are much wider at 26 feet and 20 feet, respectively, which will give the impression of a 20-25' setback.

- Street Sight Triangle. The UDO requires a 25'x25' corner site triangle with nothing in it over 30' tall. The development has only a 23'x23' corner site triangle. This is a deviation from the UDO requirements.
- Single-family homes. The developer is proposing 1,290 sq. ft. single-story homes with full-width front porch, three bedrooms, and two bathrooms similar to Spring Branch Commons Phase 1.
- Public sidewalks. 5' wide public sidewalk will be constructed in the public right-of-way along both streets.
- Curb and gutter. The Town's standard curb and gutter is a B6-12 concrete curb. The existing valley curbs along S. Sixth and Massey Street will need to be replaced with B6-12 curb and gutter.
- Fencing. Decorative fencing will be installed along the street frontage on each lot matching Spring Branch Commons Phase 1 to be maintained by the HOA. A six-foot chain-link fence runs along the back of the open space adjacent to existing residential properties
- Landscaping. The UDO does not require landscaping of residential subdivisions; however, the master plan shows the landscaping of the open space and residential lots.
- HOA. An HOA will provide common ownership and maintenance of the shared open space and fence along both streets.
- Trash & Recycling. Storage pads for trash and recycling rollouts are provided along the rear façade of each home.
- Stormwater Management. There are no stormwater control facilities proposed on site because the is exempt from stormwater attenuation.
- Utilities. The development will utilize existing utilities, water, and sewer, located in adjacent streets.

Requested deviations from UDO Requirement

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:

Item	Proposed R-8 CZ	R-8/UDO
Min. lot size	3,444 sq. ft. (.079 ac.)	8,000 sq. ft. (.18 ac.)
Min. lot width	41 feet	70 feet
Min. front setback	30 feet	10 feet
Min. Side Setback	5.5 feet	10 feet
Accessory Bldg. Setback	None allowed	10 feet
Min. corner lot setback	12 feet	15 feet
Driveway width	16 feet	20 feet
Sight triangle (UDO Section 2.21)	23 feet x 23 feet	25 feet x 25 feet

The applicant is providing the following which exceed UDO requirements:

- o Decorative fencing & rear chain link fencing (maintained by the HOA)
- o Landscaping of the lots and open space.
- o Playground amenity with open space.
- o Rear loaded lots.
- o Constructing sidewalks on both streets with handicap accessible ramps.
- o Replacing/installing B6-12 curb and gutter where needed
- o Providing rear access lots which takes the burden off of the streets for driveways and parking.

Planning Staff and the Planning Board recommend approval of CZ-21-09 with 4-conditions with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans and the request is reasonable and in the public interest:

1. That the rezoning approval be contingent on the closure of the public alley.
2. That the driveway aprons be constructed in accordance with the Town's Standard Specifications and Details.
3. That the valley curb in the public right-of-way be replaced with B6-12 curb.
4. That the HOA be responsible for maintenance of landscaping and fencing and all common amenities and common areas.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the November 9, 2021 agenda packet.

Mayor Pro-Tem Dunn asked if there were any questions from Council.

Councilman Barbour questioned if this was the same layout and design as Phase 1. Paul Embler responded it was the same design, but the outdoor storage was oriented differently to be more concise.

Councilman Barbour questioned the chain link fence that would be installed at the rear of the property. Mr. Embler responded that one of the adjacent property owners was encroaching on this property so they felt they could not install a privacy fence because the HOA would only be able to maintain one side of the fence. There would be landscaping along the property side of the fence,

Mayor Pro-Tem Dunn 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 Rabil made a motion, seconded by Councilman Barbour, to close the public hearing. Unanimously approved.

Councilman Barbour made a motion, seconded by Councilman Rabil, to approve zoning map amendment, CZ-21-09, with 4-conditions finding is 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.

- 5. Zoning Text Amendment – Town of Smithfield (ZA-21-05):** The applicant is proposing an amendment to the Town of Smithfield Unified Development Ordinance, Article 10, Performance Standards, Part III, Landscape Requirements. The proposed ordinance amendment will apply minimum landscape requirements to all new single-family and townhouse developments.

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

Planning Director Stephen Wensman explained The Town of Smithfield was experiencing unprecedented residential growth and many new subdivisions. The Town Council has become concerned about the character of proposed developments and wants to ensure there is adequate landscaping with new development. The Council has directed staff to investigate updating the Town's Landscape Ordinance to include landscape standards for residential development.

Currently, there is a prohibition in place giving single-family residential developments exempt status from meeting landscape requirements of the Town of Smithfield Unified Development Ordinance, Article 10, Performance Standards, Part II, Landscape Requirements. This prohibition applies to all residential subdivisions and ensures that little to no landscaping will be provided when single-family residential developments are approved through a process other than the Conditional Zoning or Planned Unit Development legislative approval process.

Planning staff has drafted an ordinance that will achieve the following:

1. Removes the exempt status of new Single-Family Residential Developments by requiring compliance with Part II, Landscape Requirements.
2. Broadens Single-Family Residential Development standards to include to Townhouse Developments when located on public streets.
3. Creates new landscape standards specify tailored to new residential developments.
4. Require all new single-family homes and duplex units on existing lots to provide landscaping.

- 5. Creates standards that can be applied to both legislative and quasi-judicial subdivision approval processes.

The proposed landscape components that will apply to Single-Family and Townhouse Developments will include required street yards, street trees and foundation plantings.

- Street yards will require a minimum of 15 feet in depth on all sides of the development that have road frontage on a major or minor arterial streets. The rate of planting will be 2 deciduous trees, 1 evergreen tree and 30 shrubs per 100 linear feet of road frontage. This yard will be similar to existing commercial street yards but with 10 additional shrubs, 1 additional tree and a required mix of deciduous and evergreen tree variety.
- Street trees will be required on streets within a proposed residential subdivision at a rate of 2 deciduous trees and 1 evergreen tree per 100 feet of road front on each side of the street. Street trees are to be planted outside of the public right-of-way and maintained by the development owner’s association.
- Foundation plantings will be required at a rate of 3 per residential unit and must be adjacent to the front facade of each unit.

Existing landscape standards that are proposed to remain unchanged.

- Buffer Yards in accordance Section 10.4 Buffer Yard Requirements with will continue to be required and installed by non-residential and multifamily developments when adjacent to single family dwellings and developments.

Zoning District and/or Use To Be Developed (below)	Adjacent Land Use				
	Industrial	Commercial I	Single-Family Residential	Multi-Family Residential (10 or more parking), PUD, PRD	Open Space
Industrial	N/A	Type A	Type C	Type C or D	Type C or D
Commercial	Type A	50% of Type A	Type B	Type A	Type C or D
Multi-Family Residential (10 or more parking), PUD, PRD	Type C or D	Type A	Type A	N/A	N/A

- Tree Preservation will continue to apply to all new developments in accordance with Section 10.9, Tree Resource Management.
- Parking lot landscaping and dumpster screening requirements will remain unchanged but with the proposed amendments can be applied to single family and townhouse residential developments.

Planning Staff and the Planning Board recommend the Town Council conduct a public hearing and approve of the zoning text amendment ZA-21-05 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan 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 November 9, 2021 agenda packet.

Mayor Pro-Tem Dunn asked if there were any questions from Council.

Councilman Barbour he opposed to landscaping requirement for single-family homes. Mr. Wensman responded this text amendment would apply only to new development.

Councilman Scott questioned if the Planning Board supported this text amendment. Mr. Wensman responded that the Planning Board supported this amendment.

Mayor Pro-Tem Dunn 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 Rabil made a motion, seconded by Councilman Barbour, to close the public hearing. Unanimously approved.

Councilman Scott made a motion, seconded by Councilman Rabil, to approve zoning text amendment, ZA-21-05, finding the amendment 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. Councilman Scott, Councilman Rabil and Councilman Lee voted in favor of the motion. Councilman Barbour voted against the motion. Motion passed 3 to 1.

6. **Proposed Voting District Maps:** In accordance with Session Law 2021-56, Senate Bill 722, the Town Council will hear proposed amendments to the Town's voting districts based on the 2020 census data.

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

Town Manager Michael Scott explained the purpose of the public hearing was to evaluate the Town's voting districts and possible redistricting based on the 2020 census results. He explained 300 people were added to the Town's population base since 2010. He further explained the Council had two options; 1) leave the voting districts as they currently are or 2) redistrict slightly and take into account those population changes and demographics. The Town must provide information to the Board of Elections by November 12th whether the Town can or cannot provide them with the approved voting districts by November 17th. The election date has been scheduled for March 8th for current districts and the mayor. If the Town can provide a recommendation to the Board of Elections by November 17th, then the filing period would begin at noon on December 6th and close at noon on December 17th. If the Town cannot provide a recommendation by November 17th, we have to provide it by December 17th. If the Town provides a recommendation by December 17th, the filing period would begin at noon on January 3rd, it will be open for a shorter period until noon on January 7th. The Town Manager reviewed the demographics of each voting district based on the 2020 census data. He pointed out that in District 3, inmates of the County jail were included in the census data if they were 18 or older and eligible to vote. He stated this population base would likely move into District 1 when the new jail site is completed. The Town Manager further stated that if the Council chose to change the voting districts, staff recommends adjusting a small section of the downtown area

Mayor Pro-Tem Dunn asked if there were any questions from Council.

Councilman Lee questioned the origin of the census data. The Town Manager responded the validity of the census is certainly always a question. The accuracy of the results was unknown.

Councilman Barbour questioned if census data was only reviewed every 10 years. The Town Manager responded that Planning Staff annually reviews census data. Every 10 years is when the Town is required to review the voting districts.

The Town Manager stated with the growth on the west side, he would recommend hiring an outside firm to redo the districts in 10 years based on the 2030 census results.

Councilman Scott recommended not making any changes to the current voting districts.

Mayor Pro-Tem Dunn 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 Barbour made a motion, seconded by Councilman Rabil, to close the public hearing. Unanimously approved.

Councilman Scott made a motion, seconded by Councilman Rabil, to submit to the Board of Elections that the Town will not make any changes to the voting districts. Unanimously approved.

CITIZEN'S COMMENTS: There were no comments made by anyone in attendance.

CONSENT AGENDA:

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

1. The following minutes were approved:
 - October 5, 2021 – Regular Meeting
2. Special Event: Veteran's Day Celebration – The Smithfield Parks and Recreation Department gained approval to conduct a Veteran's Day Celebration on November 11, 2021 from 4:30 pm until 7:30 pm at Smithfield Community Park. The use of amplified sound and fireworks was approved. This event was also approved as an annual event.
3. Special Event: Gospel in the Park – Betty Johnson gained approval to conduct a church service on November 20, 2021 from 3:00 pm until 5:00 pm at Smith Collins Park. The use of amplified sound was approved for this event.
4. Special Event: LBJ's Giving - Andrew & Erika Wagner, owners of the Little Brown Jug, gained approval to hold an event at 101 West Market Street on November 24, 2021 between 8:00 pm until 1:30 am. The use of amplified sound was approved for this event.
5. Bid was award to Colorado Timing Systems in the amount of \$7,892.50 to purchase replacement timing system for the competitive pool.
6. Bid was awarded to Modern Chevrolet (State Contract) in the amount of \$45,919 for the purchase of a 2022 Chevy Suburban for the Fire Department.

7. Bid was awarded to Arena's Cleaning Services, LLC in the amount of \$550.00 per month for the water plant's janitorial services Bids received are as follows:
- Arena's Cleaning Services, LLC \$550.00 per month
 - Cleannet of Charlotte, Inc \$3,096.00 per month
 - Jas Clean It, LLC \$4,440.00 per month
8. Approval was granted to appoint Brett Renfrow to the Firemen's Relief Board.
9. Approval was granted to appoint Katie Smith to serve on the Downtown Smithfield Development Corporation's Board of Directors.
10. The following advisory board appointments were approved:
- Alisa Bizzell was reappointed to serve a second term on the Planning Board and Recreation Advisory Committee
11. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Police Officer II	Police	10-20-5100-5100-0200	\$19.91/hr. (\$44,518.76/yr.)
P/T Firefighter	Fire	10-20-5300-5100-0210	\$17.60/hr.
P/T Fitness Assistant (2)	P&R-Aquatics	10-60-6220-5100-0210	\$9.00/hr.
P/T Pool Staff	P&R-Aquatics	10-60-6220-5100-0220	\$8.00/hr.
P/T Pool Staff	P&R-Aquatics	10-60-6220-5100-0220	\$10.00/hr.
P/T Aquatics Instructor	P&R-Aquatics	10-60-6220-5100-0230	\$12.00/hr.
P/T Fitness Instructor	P&R-Aquatics	10-60-6220-5100-0230	\$15.00/hr.
Pump Station Mechanic	PU – Water/Sewer	30-71-7220-5100-0200	\$17.09/hr. (\$35,547.20/yr.)
Utility Line Mechanic	PU – Water/Sewer	30-71-7220-5100-0200	\$15.48/hr. (\$32,198.40/yr.)

Current Vacancies

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Electric Line Technician	PU – Electric	31-72-7230-5100-0200
Police Officer I (4 positions)	Police	10-20-5100-5100-0200
P/T Collections Assistant	PU – Electric/CS	31-72-7230-5100-0200
P/T Firefighter I/Responders (Up to 5 positions)	Fire	10-20-5300-5100-0200
P/T Fire Inspector (2 positions)	Fire	10-20-5300-5100-0210
Sanitation Equipment Operator	Public Works	10-40-5800-5100-0200
Sanitation Worker	Public Works	10-40-5800-5100-0200
Water Plant Operator	PU – Water Plant	30-71-7200-5100-0200

12. Approval was granted to reappoint Mike Fleming to the Johnston County Economic Development Committee representing the Town of Smithfield
13. Bid was awarded to GroundsOne Landscaping Contractors in the amount \$22,083 to complete landscaping at the Town Commons between the Boat ramp and the Boy Scout Hut.

Business Items:**1. Consideration and request for approval to rename South Avenue to Dr. CJ Allen Avenue**

Town Manager Michael Scott explained members of Mount Zion Church of Deliverance located at 908 South Avenue was requesting to change the name of South Avenue to Dr CJ Allen Avenue, in recognition of their Pastor. Dr. CJ Allen has been the Pastor of the Mount Zion Church of Deliverance for thirty (30) years and is retiring on November 14, 2021. The congregation of the church would like to rename South Avenue as a tribute to Dr Allen's dedication, exceptionally caring work and years of service to the Smithfield Community and Mount Zion Church of Deliverance. The street name change will impact the addresses of the Church and residential customers. The two residences impacted are 902 and 918 South Avenue. Both were notified of this request and both have consented to the street name change. There are no other properties directly impacted by this change.

Pastor Wyatt Raglan provided background information to the Council on Reverend Doctor CJ Allen. He explained her name as the Church's physical address would serve as an everlasting achievement of her work done in the community and the church.

Councilman Lee made a motion, seconded by Councilman Rabil to approve the renaming of South Avenue to Dr CJ Allen Avenue. Unanimously approved.

2. Annexation Request – Twin Creeks Phase 1A (ANX 21-02):

Planning Director Stephen Wensman explained the Town of Smithfield received a petition from Navaho Development LLC for a voluntarily satellite annexation of 1.61 acres to the Town of Smithfield adjacent to the Twin Creeks Phase 1 development site on Black Creek Road approximately 1,800 ft southwest of the intersection of NC Highway 210 and Black Creek Road.

The satellite annexation property with the NC Pin # 167300-56-5565 is part of the property annexed to the Town in 2018 (ANX-18-01) with vested rights for preliminary plat of Twin Creeks Phase 1. After

annexation, ANX-18-01, the developer's attorney identified an error on the deed and made a deed correction showing the 1.61 acres of land belonging to the developer's property. As a result of the deed error, the 1.61 acres was omitted from the 2018 annexation and the Twin Creeks Phase 1 preliminary plat. After annexation, the developer intends to have the 1.61 acres rezoned to R-20A and platted into 3 lots with access onto the Twin Creeks Phase 1 street and connected to the Town's utilities in Twin Creek Phase 1.

Per NCGS 160A-58.2, the Council must pass a resolution directing the Town Clerk to investigate the sufficiency of the petition.

Councilman Barbour made a motion, seconded by Councilman Rabil, to adopt Resolution 689 (17-2021) directing the Town Clerk to investigate the sufficiency of the annexation petition. Unanimously approved.

**TOWN OF SMITHFIELD
RESOLUTION No. 689 (17-2021)
DIRECTING THE CLERK TO INVESTIGATE A PETITION
RECEIVED UNDER G.S. 160A-58.1**

WHEREAS, a petition requesting annexation of an area described in said petition was received on November 9, 2021 by the Smithfield Town Council; and

WHEREAS, G.S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Smithfield deems it advisable to proceed in response to this request for annexation:

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

The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the result of her investigation

3. Consideration and request for approval to create a new Fire Marshall position

Fire Chief Michael Brown addressed the Council on a request to create a Fire Marshall's position to provide building inspections and plan reviews for all new and existing structures. He explained that with the rapid growth in Smithfield, department was inundated with required fire inspections due to new construction and community growth. The budget includes two part-time fire inspectors, of which neither is filled. The department is requesting to eliminate one part-time position and replace it with a full-time Fire Marshal who will be a level three inspector and able to perform the necessary fire inspections throughout the Town.

While we can absorb the increase in budget in the current fiscal year, the FY 2023 budget will be impacted for benefits and the salary difference between the one, part-time fire inspector and new Fire Marshal Position. This equates to \$70,000. The salary range would be the same as the current level 3 Inspectors, \$55,557 to \$86,113. We are requesting permission to hire up to the midpoint of the salary range. We have explored surrounding like positions and believe our salary range will be competitive to attract highly qualified applicants. The process for filling this vacancy will be offered internally and externally to find the best applicant.

This is a much-needed position to keep the flow of new inspections and plan reviews up to date and be responsive of the requests from our stakeholders. This position will work alongside our planning division and other departments as needed.

We have exhausted all measures to hire part-time positions and we are currently asking the county inspectors to assist us until the position can be filled. The county cannot continue to provide the service for an extended term.

Our current process is not working. We have a plans reviewer who can only come on the weekends and not during normal working business hours to meet with builders or perform site visits. This is a must for new construction that is progressively moving forward each day. Fire crews have been trying to fill the void but are overwhelmed with the time needed to ensure proper Fire Prevention Codes are being met.

Councilman Scott questioned when someone would be hired for this position. Chief Brown responded possibly by February someone who be hired for the position.

Councilman Scott further questioned how the position would be funded. Town Manager Michael Scott responded there were sufficient funds in the Fire Department's salary budget to cover the cost of the position.

Councilman Scott, made a motion, seconded by Councilman Rabil, to allow staff to create the Fire Marshall position and authorize the hiring of that position. Unanimously approved.

Councilman Barbour questioned if Chief Brown could provide an update to the Council on the EMS program the Council implemented.

Councilmembers Comments:

- Councilman Lee stated he was at a County Commissioners meeting and a young lady spoke, but was hesitant to provide her name and address citing safety concerns. He questioned if a speaker was required to provide this information at Town Council meetings. Town Manager Michael Scott responded there was no requirement to provide this information, but historically, it was important for the Council to know if the speaker was a Smithfield tax payer.

Councilman Lee congratulated the Neuse Charter School volleyball team and the Smithfield Selma High School football team for their outstanding seasons. He asked that both teams be recognized by the Town Council.

- Councilman Barbour expressed his appreciation to the Planning Department for all their hard work as it related to all the new growth in Smithfield.
- Councilman Scott expressed his appreciation to Sarah Edwards and the Junior Women's League for the Touch a Truck event. Councilman Scott further stated in light of the recent court ruling on vaccine mandates, he publicly wanted to announce he was adamantly against forcing anyone to make the decision to take medication.
- Mayor Pro-Tem Dunn welcomed Chief Michael Brown to Smithfield.

Town Manager's Report:

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

Parks and Recreation is ready to kick off a festive event to celebrate and thank our veterans on Veterans Day, Thursday, November 11th. This will include music, food and fireworks at Community Park from 4:00 to 7:30 pm. Fireworks are schedule for 7:00.

At this time, the Town is planning to have the 2021 Christmas Tree lighting on December 2nd and the annual Parade on December 9th on Market Street. Please mark your calendars.

The annual SwimsGiving event at the SRAC is scheduled for November 14th, where four (4) cans of perishable food items, gets a person into the SRAC pools for fun.

The annual Grinch Run is scheduled to begin at Community Park on December 4th. A new toy for Christmas Giving is the price for entry.

Sanitation customers who normally have their trash and yard debris picked up on Thursdays, will have their trash and yard debris picked up on Wednesday, during the Thanksgiving week.

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

Councilman Barbour made a motion, seconded by Councilman Rabil, to enter into Closed Session pursuant to the aforementioned statute. Unanimously approved at approximately 8:57 pm

Reconvene in Open Session

Councilman Barbour made a motion, seconded by Councilman Rabil, to reconvene in Open Session. Unanimously approved at approximately 9:33 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 Barbour, to adjourn the meeting. Unanimously approved. The meeting adjourned at approximately 9:34 pm.

ATTEST:


Shannan L. Parrish, Town Clerk




M. Andy Moore, Mayor