

The Smithfield Town Council met in regular session on Tuesday, June 7, 2022 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
Sloan Stevens, District 2
Travis Scott, District 3
Stephen Rabil, At-Large
Roger Wood, At-Large

Councilmen Absent

M. Andy Moore, Mayor
Dr. David Barbour, District 4

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
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

Michael Carter, Attorney

Administrative Staff Absent

CALL TO ORDER

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

INVOCATION

The invocation was given by Councilman Scott 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:

Add the following item to the Consent Agenda:

10. Consideration and request for approval of the Johnston County Mutual Aid Agreement for Fire Protection.

Move the following item from the Consent Agenda to the Business Items:

6. *Consideration and request for approval to adopt year-end budget amendments and encumbrances*

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

Unanimously approved.

PRESENTATIONS:

1. Proclamation – Recognizing Juneteenth in the Town of Smithfield

Mayor Pro-Tem Dunn read the following proclamation:

**Town of Smithfield
Proclamation
Recognizing Juneteenth – June 19, 2022**

WHEREAS, News of the end of slavery did not reach the frontier areas of the United States, in particular the State of Texas and the other Southwestern States, until months after the conclusion of the Civil War, more than 2 ½ years after President Abraham Lincoln issued the Emancipation Proclamation on January 1, 1863; and

WHEREAS, On June 19, 1865, Union soldiers, led by Major General Gordon Granger, arrived in Galveston, Texas, with news that the Civil War had ended and the enslaved were free; and

WHEREAS, African Americans who had been slaves in the Southwest celebrated June 19th, commonly known as “Juneteenth,” as inspiration and encouragement for future generations; and

WHEREAS, African Americans from the Southwest have continued the tradition of observing Juneteenth for more than 150 years; and

WHEREAS, Juneteenth celebrations have been held to honor African-American freedom, history and heritage, while encouraging self-development and respect for all cultures; and

WHEREAS, Slavery was not officially abolished until the ratification of the 13th Amendment to the Constitution of the United States in December 1865; and

WHEREAS, The faith and strength of character demonstrated by former slaves and the descendants of former slaves remain an example for all people of the United States, regardless of background, religion, or race; and

WHEREAS, The Town of Smithfield is committed to promoting diversity, racial and cultural harmony.

NOW, THEREFORE, I, *M. Andy Moore* Mayor of the Town of Smithfield along with the members of the Town Council, do hereby proclaim June 19, 2022 as JUNETEENTH in the Town of Smithfield, North Carolina and urge all our citizens to become more aware of the significance of this celebration in African American History and in the heritage four nation and

Councilman Lee invited everyone to Smith Collins Park on June 18th for the Juneteenth Celebration

2. Proclamation: Honoring David Stevens' service to the Town of Smithfield as Councilman Representing District 2

Mayor Pro-Tem Dunn presented the Key to the Town and the following proclamation to former Councilman David Stevens.

PROCLAMATION

In Honor of Councilman David Stevens' Service to the Town of Smithfield

WHEREAS, the Mayor and Town Council of the Town of Smithfield wish to acknowledge and express its appreciation to David Stevens for his dedicated service to the citizens of Smithfield as a member of the Town Council for the past 4 years; and

WHEREAS, David Stevens has served as a Councilmember representing District 2 since taking office on December 5, 2017; and

WHEREAS, these years of service have been marked by dedication to the best interests of the entire community; and

WHEREAS, David Stevens has reviewed and deliberated all matters, facts and proposals before the Council in a fair and sound manner, at all times keeping the best interest of the citizens of the Town of Smithfield as a first priority; and

WHEREAS, The Town of Smithfield has been fortunate to have had the services of David Stevens who has provided leadership and rendered good judgement for the betterment of all of the citizens of the Town; and

WHEREAS, David Stevens distinguished service to the Town of Smithfield deserves special recognition.

NOW, THEREFORE, I, *M. Andy Moore*, Mayor of the Town of Smithfield along with the members of the Town Council, express our sincere appreciation to David Stevens for his service to the Town of Smithfield.

Former Councilman David Stevens expressed his appreciation to the Council and staff.

PUBLIC HEARINGS:

- 1. FY 2022-2023 Budget:** In accordance with NCGS 159 -12 (b), before adopting the budget ordinance, the Town Council shall hold a public hearing at which time any persons who wishes to be heard on the budget may appear before the board

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

Town Manager Michael Scott presented the 2022-2023 Budget to the Council.

The Town Manager explained the budget was balanced in all funds

\$15,837,160	General Fund
\$16,705,650	Electric Fund
\$ 9,766,650	Water/Sewer Fund

The Town Manager explained the tax rate would remain at \$0.57. Electric fees and charges were unchanged. Water fees remain unchanged. Sewer fees remain unchanged; however, the Johnston County Board of Commissioners may approve a request to increase sewer fees. If the County approves those increases, staff will make a recommendation to the Council to increase the Town's fees in a similar amount. Sanitation fees have been increased \$0.45 to match the County's increase in tipping fees. All fund balances remain above the 25% financial policy threshold.

The Town Manager explained the budget included necessary capital expenditures in all three funds. Total capital expenditures are as follows:

\$ 1,692,865	General Fund
\$ 766,700	Electric Fund
\$ 469,200	Water Sewer Fund

The Town Manager explained the Town maintained employee medical benefits at the same level. This budget provided for a salary adjustment equal to a 2.0% increase on July 1; Up to a 3% Merit increase Jan 1; and Longevity created for employees with at least 5 years of continuous service with the Town.

The Town Manager reviewed major capital expenditures from all three funds.

The Town Manager explained there were no personnel increases included and no additional debt would be used. The SRAC loans were paid off in fiscal year 2022 and the Sanitation truck debt will be paid off in fiscal year 2023. The first debt payment for the Water Plant Expansion project has been included in this budget. \$680,000 has been reserved in the General Fund for a salary study. \$105,000 has been reserved in the Water/Sewer fund for a salary study. \$105,000 has been reserved in the Electric fund for a salary study.

The Town Manager explained some future potential issues. He explained that COVID-19 appears to be getting under control. However, uncertainty remains as to how the pandemic, the economy, fuel prices and supply issues would continue to influence employment and government revenues and expenditure in the next fiscal year. Also, residential and economic growth continues to come to Smithfield. This will impact how government operates and the services being provided. We will continue to endeavor to maintain our hometown feel and our neighborly service levels.

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 that 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 Rabil, to close the public hearing. Unanimously approved.

Mayor Pro-Tem Dunn stated the Council was not ready to adopt the budget. There were still departments and the Fee Schedule that needed to be reviewed.

Councilman Scott made a motion, seconded by Councilman Rabil, that at this end of this meeting to recess until June 27, 2022 at 6:30 pm to continue budget discussions. Unanimously approved.

- 2. Rezoning Request – Henry Howley (RZ-22-02):** The applicant was requesting to rezone a 1.519 acre tract of land from the B-3 (Business) zoning district to the R-20A (Residential-Agricultural) zoning district. The property considered for rezoning is located on the northeast side of the intersection of NC Hwy 210 and Swift Creek Rd and further identified as Johnston County Tax ID# 15109015M

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

Planning Director Stephen Wensman explained the applicant was requesting the rezoning of his property located at 2222 NC Highway 210 from B-2 General Business to R-20A Residential-Agriculture. Mr. Wensman explained The property was zoned to B-2 many years ago. According to the applicant, the property is only being used for residential. The applicant wishes to rezone the property back to residential. The proposed rezoning is consistent with the Comprehensive Growth Management Plan guides this property for rural residential uses. The proposed rezoning will have no impact on the non-conforming second dwelling on the property. The property exceeds the minimum requirements of the R-20A zoning district.

Consistency Statement (Staff Opinion):

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

- **Consistency with the Comprehensive Growth Management Plan** - *The rezoning is consistent with the Comprehensive Growth Management Plan.*
- **Consistency with the Unified Development Code** – *The property exceeds the minimum requirements of the R-20A District standards. The rezoning will have no impact on the existing non-conforming secondary dwelling that exists on the property.*
- **Compatibility with Surrounding Land Uses** - *The property considered for rezoning will be compatible with the surrounding land uses. The properties use will not change.*

Recommendation:

Planning Staff and the Planning Board recommend approval of the rezoning, RZ-22-02, 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 June 7, 2022 agenda packet.

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

Councilman Scott stated he believed this was already approved by the Council. Councilman Rabil responded the property located across the street from this property had been before the Council and not this property.

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 this matter.

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

Councilman Wood made a motion, seconded by Councilman Rabil move to approve zoning map amendment, RZ-22-02, 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.

3. **Rezoning Request – Wood & Warrick (RZ-22-03):** The applicants were requesting to rezone three parcels of land totaling approximately 42.1 acres from the R-20A (Residential-Agricultural) and B-3 (Business) zoning districts to the LI (Light Industrial) zoning district. The properties considered for rezoning are located on the northeast side of the intersection Barbour Road and US Hwy 70 West Smithfield. The properties are further identified as Johnston County Tax ID# 15079004, 15079004A and 15079006.

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

Planning Director Stephen Wensman explained the applicants were requesting the rezoning of 3 properties (42.1-acres) in the R-20A - Residential/Agriculture and B-3 - Highway Entranceway Business to LI - Light Industrial. Mr. Wensman further explained the applicant was requesting the rezoning to be in conformance with the comprehensive plan and to be prepared to market the property. There were no specific industrial uses yet identified for the property. The Comprehensive Plan identified this property for Industrial/Employment; therefore, this rezoning would be consistent with the plan. The land requested for rezoning is adjacent to existing Light Industrial property. The land requested for rezoning has frontage on Barbour Road and US Highway 70 Business. The area has been transitioning toward industrial land uses with the development of the Amazon facility and recent adjacent rezoning.

Consistency Statement (Staff Opinion):

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

- **Consistency with the Comprehensive Growth Management Plan - *The Comprehensive Plan guides the area for Industrial/Employment.***
- **Consistency with the Unified Development Code – *the property will be developed in conformance with the UDO.***
- **Compatibility with Surrounding Land Uses - *The property considered for rezoning will be compatible with the surrounding land uses which are transitioning to industrial.***

Recommendation:

Planning Staff and the Planning Board recommended approval of the rezoning, RZ-22-03, 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 June 7, 2022 agenda packet.

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

Councilman Stevens questioned if there were any plans for the site. Mr. Wensman responded there have been no plans submitted for this site, but there has been interest in the site.

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 Wood, to close the public hearing. Unanimously approved

Councilman Stevens made a motion, seconded by Councilman Rabil, to approve of zoning map amendment, RZ-22-03, 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.

4. **Rezoning Request – TLC Estates, LLC. (RZ-22-04):** The applicant is requesting to rezone .48 acres of land from the R-20A (Residential-Agricultural) zoning district to the R-8 (Residential) zoning district. The property considered for rezoning is located on the east side of Buffalo Road approximately 480 feet south of its intersection with Holland Drive and further identified as Johnston County Tax ID# 14A03004

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

Planning Director Stephen Wensman explained the applicant was requesting the rezoning of a .48-acre property at 1136 Buffalo Road from R20-A to R-8. Mr. Wensman further explained the property was the former location of Harbor House. The property had 2 buildings on it, one that was used for mostly administrative purposes and the other for a domestic abuse shelter. Both structures were habitable from a residential perspective and the property has been vacant for some time. The applicant wishes to rezone the parcel to the R-8 district in order to subdivide into 2 single-family residential lots. The comprehensive plan identified this property for medium density residential. The proposed R-8 zoning was in conformance with the Plan. The property was non-conforming with 2 houses on a single lot. The southernmost building does not meet front setbacks (10' from right-of-way). The rezoning and subsequent lot split will lessen the non-conformities. Rezoning could be considered a spot zoning. Although spot zoning is not illegal, it must be reasonable and in the public interest. Considerations should include: Physical characteristics that make is more suitable for R-8 (utilities, topography, soils, etc.), relationship to comprehensive plan designation, the rezoning in harmony with the legitimate expectations of neighbor and is the implication for future development on surrounding parcels?

The rezoning was consistent with the comprehensive plan. The rezoning was in harmony with the legitimate expectations of the neighbors. The rezoning and subsequent lot split would lessen the nonconforming nature of the property and would result in similarly sized residential lots as exist nearby. There was R-8 zoning in the area and future R-8 zoning and development has been considered in the area surrounding the property.

Consistency Statement (Staff Opinion):

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

- **Consistency with the Comprehensive Growth Management Plan - The *Comprehensive Plan* guides the area for medium density residential.**
- **Consistency with the Unified Development Code – the subsequent minor subdivision of the property will lessen the nonconforming nature of the property.**
- **Compatibility with Surrounding Land Uses - The property considered for rezoning will be compatible with the surrounding land uses which are transitioning to medium density residential.**

Recommendation:

Planning Staff and the Planning Board recommend approval of the rezoning, RZ-22-04, 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 June 7, 2022 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 Wood, to close the public hearing. Unanimously approved

Councilman Wood made a motion, seconded by Councilman Rabil, to approve of zoning map amendment, RZ-22-04, 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.

5. Preliminary Subdivision Request – Whitley Townes (S-22-03): J&J Flowers Finch Inc. was requesting preliminary subdivision approval for the construction of a 70-unit single-family attached townhome development. The properties considered for approval are located on the northeast side of West Market Street approximately 300 feet southeast of its intersection with Britt Street. The properties are further identified as Johnston County Tax ID# 15084001 and a portion of 15084003A.

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

Planning Director Stephen Wensman testified J&J Flowers Finch Inc. was requesting preliminary plat of Whitley Townes, a 68-unit attached single-family townhome development on 11.61-acres of land in the B-3 CZ District. The property considered for approval contains some wetland and a drainage ditch that crosses through the center of the property and along the south edge of the Twin States Farming parcel. There is no floodplain present, but there are small pockets of wetland.

The property was rezoned to B-3 CZ with a master plan for the Whitley Townes development on 10/5/21 by the Town Council. The preliminary plat is consistent with the approved master plan (See CZ-21-07 Staff Report and Attachments) with the following changes:

- The preliminary plat is designed around the existing drainage ditch crossing the property; whereas the master plan showed the drainage being piped.
- The preliminary plat proposes 68 townhouse units; whereas the master plan showed 70 units.
- The preliminary plat shows 3 Stormwater Control Measures; whereas the master plan showed one. Two of the SCMs will be constructed for bio-retention (planted basins) and the third for dry detention.
- The preliminary plat shows an additional sidewalk along the public street.
- Open space areas are connected by sidewalks.
- A 5' landscaped berm has been provided along W. Market St.
- Four (4) shrubs and one ornamental tree are proposed in front of each unit and shrubs along the rear yard of the units.
- One (1) overstory street tree is proposed for every 50' of public right-of-way along the edge of the right-of-way.
- Proposed open space amenities are shown (subject to change).

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

STAFF'S OPINION ON THE FINDINGS OF FACT

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

Planning Staff recommended approval of the Whitley Townes preliminary plat, S-22-03, with the following conditions based on the finding of fact for preliminary plats:

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 with the following deviations:

Item	R-8 CZ
Street	30' wide back-to-back.
Parking Lot Curbing	Valley curbs are proposed in the parking lots.
Distance between buildings	Minimum 20 feet
Perimeter Buffer	25'

2. That the trash/recycling rollouts be stored within garages or rear yards.
3. That the parking lot entrances be constructed in accordance with the town's standard driveway detail.
4. That the 25' perimeter buffer planting be comprised of existing vegetation and landscaping/ and or fencing to ensure at least 60% opacity.
5. That the townhouses be comprised of a mix of siding types such as lap board and batten, shakes and brick and end units be comprised of windows and other architectural details.
6. That a cross access easement be executed for the shared use of the driveway off of West Market Street.
7. That park dedication fees in lieu be paid prior to recording the final plat in accordance with the UDO Section 10.114.8.
8. That all utility fees including system development fees be paid before recording the final plat.
9. That the Town of Smithfield Stormwater Operations and Management agreement with a maintenance plan be submitted and recorded prior to final plat recording.
10. That the HOA declarations and covenants be submitted for Town Attorney review prior to final plat. The HOA shall be responsible for the ownership and maintenance of all common amenities including front, side yard and open space landscaping, the stormwater SCM, parking lots, recreational amenities, and open space, and enforce trash and recycling roll offs to be stored in garages or rear yards.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the June 7, 2022 agenda packet.

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

Councilman Scott stated he was concerned about the entrance to the subdivision since it would be shared with the old Heilig Meyers property. Mr. Wensman responded the adjacent property had been purchased and will be redeveloped within a year.

Jim Pericone of Partners Equity testified that he was working with the owner of the Old Kmart and Heilig Meyers site for a complete redevelopment. The entire parking lot would be completely renovated and brought up to current standards.

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. The applicant stated he agreed with the testimony and did not have any additional information to provide.

Mayor Pro-Tem Dunn asked if there was anyone 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 the matter.

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

Councilman Wood made a motion, seconded by Councilman Rabil, to approve the Whitely Townes preliminary plat, S-22-03, with 10 conditions based on the finding of fact for preliminary plats. Unanimously approved.

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 with the following deviations:

Item	R-8 CZ
Street	30' wide back-to-back.
Parking Lot Curbing	Valley curbs are proposed in the parking lots.
Distance between buildings	Minimum 20 feet
Perimeter Buffer	25'

2. That the trash/recycling rollouts be stored within garages or rear yards.
3. That the parking lot entrances be constructed in accordance with the town's standard driveway detail.
4. That the 25' perimeter buffer planting be comprised of existing vegetation and landscaping/ and or fencing to ensure at least 60% opacity.
5. That the townhouses be comprised of a mix of siding types such as lap board and batten, shakes and brick and end units be comprised of windows and other architectural details.
6. That a cross access easement be executed for the shared use of the driveway off of West Market Street.
7. That park dedication fees in lieu be paid prior to recording the final plat in accordance with the UDO Section 10.114.8.
8. That all utility fees including system development fees be paid before recording the final plat.
9. That the Town of Smithfield Stormwater Operations and Management agreement with a maintenance plan be submitted and recorded prior to final plat recording.
10. That the HOA declarations and covenants be submitted for Town Attorney review prior to final plat. The HOA shall be responsible for the ownership and maintenance of all common

amenities including front, side yard and open space landscaping, the stormwater SCM, parking lots, recreational amenities, and open space, and enforce trash and recycling roll offs to be stored in garages or rear yards.

6. **Conditional Zoning Request – Woodleaf (CZ-22-02):** The applicant was requesting to rezone 491.2 -acres of land from R-20A zoning district to R-8 CZ zoning district with a master plan for a planned development consisting of 490 detached single-family lots, 691 attached single-family townhome lots, a 564 unit 3-story multifamily development and a 260-unit four-story multifamily development. The properties are located on Mallard Road between its intersections with Brogden Road and US 70 Business East and further identified as Johnston County Tax ID# 15K11019D, 15K11019F, 15L11043, 15K11017, 15K11047C, 15K11047F, 15K11047, 15L11042B

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

Planning Director Stephen Wensman explained NRP Ventures LLC was requesting a conditional rezoning of 491.2-acres of land from R-20A to R-8 CZ with a master plan for a planned development consisting of 490 detached single-family lots, 691 attached single-family townhome lots, a 564 unit 3-story multifamily development and a 260-unit four-story multifamily development.

Mr. Wensman explained the property considered for approval was a mix of residential and agricultural land with woodlands, wetlands and fields. There are also blue-line streams present throughout the south side of Mallard Road. A Duke powerline bi-sects the development from east-to-west.

MASTER PLAN/ANALYSIS:

Comprehensive Land Use Plan and Density. The proposed development was not supported by the Town's Comprehensive Growth Management Plan. The Comprehensive Plan guides the site for low density residential.

Approval of the rezoning would be considered an amendment to the Comprehensive Plan.

Voluntary Annexation. The developer has indicated he would be submitting a voluntary annexation petition with the development of the site. If accepted, the annexed land would be a satellite of the Town.

The development would create the need for an additional fire station and likely a public park to serve residents recreationally. The Police Department may want a substation in the area as well.

Development Phasing. The project was anticipated to be completed in four phases, with the first phase beginning construction in early 2023, and final completion expected in 2028. Different product types will be constructed in each phase spreading out the mixture of uses and bringing with them the needed infrastructure, including roadway, water, sewer, and electrical service, to fully serve each phase as it becomes available.

Utilities. The phase 1 of the development was not possible without public sewer and water utilities being constructed throughout the entire development. The developer was proposing to construct a large pump station to pump sewer directly to the treatment plant down Brogden Road. The developer is also proposing to extend water service to the site from U.S 70 Business East and construct a water tower. The developer has an option of either the Town of Smithfield electric or Duke Energy. The developer intends to utilize Town electric utilities if it is feasible in the time-frame it is needed. Duke has transmission lines already crossing the site and will be readily able to serve the development in a shorter time-frame than the Town.

Site Access and Traffic.

The access to the development will be off of 7 intersections with Mallard Road and a lateral access to Marshall Road.

A traffic impact study was prepared and NCDOT would require turn lanes on Mallard Road with the development of the 4 phases. To accommodate NCDOT required improvements on Mallard Road, 0.51 acres of the site will be dedicated to NCDOT right-of-way. Highlights of the TIA include:

In the 2031 Build Traffic Volumes on Marshall Road show 41 trips per hour Peak AM outbound, and 45 trips per hour Peak PM inbound

NCDOT required improvements by phase:

Phase 1

Mallard Road / Site Access 2 / Site Access 3

- Construction of a 50-foot northbound left-turn lane (with appropriate taper)
- Construction of a 75-foot southbound left-turn lane (with appropriate taper)

- Construction of a 75-foot southbound right-turn lane (with appropriate taper)

Mallard Road / Site Access 4 / Site Access 5

- Construction of a 50-foot northbound left-turn lane (with appropriate taper)
- Construction of a 50-foot southbound left-turn lane (with appropriate taper)

Phase 2

Mallard Road / Site Access 9 / Site Access 10

- Construction of a 50-foot northbound left-turn lane (with appropriate taper)
- Construction of a 50-foot southbound left-turn lane (with appropriate taper)
- Construction of a 50-foot southbound right-turn lane (with appropriate taper)

Mallard Connector Road / US-70 Business

- Intersection Signalization

Phase 3

Mallard Road / Site Access 13

- Construction of a 50-foot southbound right-turn lane (with appropriate taper)

Phase 4

Mallard Connector Road / US-70 Business

- Construction of a 100-foot northbound right-turn lane (with appropriate taper)
Planning Board recommends detaching the Marshall Road connection.

Streets. The developer was proposing 27' wide b/b streets in 50' wide public right-of-way throughout the development except at some entrances where there will be divided lanes of traffic with landscape median in 80' wide public right-of-way. The locations of the wider lanes are implied in the master plan, but not specifically labeled.

- The Town's standard right-of-way width is 60' wide (UDO Section 10.110.9) but 50' wide right-of-way can be approved by the Town Council. 50' right-of-way with sidewalk on 2-sides is narrow and can force private utilities into the front yard where street trees are to be located.
- Staff recommended to the Planning Board that there should be a hierarchy of street and right-of-way widths; where higher traffic streets are wider and short streets and cul-de-sacs be considered for narrower streets and some variation in building setbacks.
- Staff had recommended traffic calming measures be provided on the long east-west streets that will carry was rejected by the Planning Board because there were many access points to Mallard Road to choose from to disperse traffic.
- The development shows adequate lateral access to adjacent properties that might develop in the future.
- There are numerous cul-de-sacs shown on the plans and supported by the Town's standard detail. Several appear elongated without any design detail. Cul-de-sacs such as these often become used as parking lots and should be discouraged. Others appear too short to meet fire code greater traffic and most likely at higher speeds. This recommendation
- Street trees are not allowed within the Town's public right-of-way. The Street details should be revised showing the street trees being located adjacent to the right-of-way.

Curb and gutter. The developer was proposing standard B6-12 curb and gutter with the exception of in front of and within 10' of a townhouse where valley curbs are proposed. This was a standard approved with previous planned townhouse developments.

Trails and Sidewalks. The developer was proposing 5' sidewalks on both sides of each residential street. Sidewalks are also required along Mallard Road frontage. Staff recommended a multi-use trail on the west side of Mallard Road rather than sidewalk. Sidewalks on both sides of local streets within a 50' public right-of-way was extremely narrow and does not adequately allow space for utilities.

Open Space and Site Amenities.

The development includes significant passive/unmanaged open space and managed open space totaling 220.9 acres or 44.97% of the site. Within the managed open space, the developer proposes:

- 2 +/- 8,000 sq. ft. club houses with fitness centers, lounges, meeting rooms, fireplaces, and community activity areas. A swimming pool is proposed in the northern most clubhouse within the apartment development area.
- With the master plan, the developer has shown images of community amenities to be provided with the development which include playground equipment, dog park, gazebo, decorative fencing, shade shelters, and lawn sports. These are not shown on the master plan.

There were no public parks dedicated in the development, only private. The current Town's Parks Master Plan does not address future annexation areas in the ETJ.

Fee in lieu would be required at the equivalent of the appraised value x a rate of 1/57th an acre per # lots in the development (for Woodleaf, approximately \$637,344 or \$317.88 per lot). A 40-acre community park land purchase in this area would cost around 725,000. Development of such a park would cost 3-4 x more.

Tree Preservation. A tree preservation plan would be required with the subdivision application.

Landscaping and Buffering. The master plan provided little detail on the proposed landscaping and buffering for the development. The developer was requesting a deviation from the minimum buffer requirements of the UDO.

- The street details show street trees within the public right-of-way. The Town currently does not permit trees within public rights-of-way. The details would need to be updated to reflect this.
- Streetyards and Bufferyards were required with multi-family development. Staff does not recommend any waiver from this requirement.
- Staff recommended a landscaped berm with a decorative fence along Mallard Road where there were double fronted lots and the berm be a minimum of 3' high on average to screen rear yards. In areas without double fronted lots, staff recommended a typical street yard be provided.
- Staff recommended the developer provide landscaping and buffering as required by the UDO as applicable throughout the remainder of the subdivision.

Stormwater Management. The developer has shown conceptual stormwater control measures (SCMs) throughout the development with maintenance access considered. A stormwater management plan would be required with the development of the site.

Trash and Recycling. The master plan does not address trash and recycling. Multi-family apartments require dumpster screens with the construction plans for the apartments.

- Staff recommends a condition of approval that the HOA declarations require trash and recycling roll-offs be screened from the public right-of-way or stored in garages or rear yards.

Subdivision Signs. Ground mounted subdivisions signs are required features of subdivisions. The master plan does not show where these will go, but the developer provided an image of a typical sign they might construct.

Homeowner's Association. An HOA will own and maintain the recreation and open space areas and amenities, stormwater facilities, walking trails, landscaping and property maintenance for all residents of the development.

- The HOA should also manage no parking on streets.
- The HOA declarations need to be submitted for review by the Town Attorney prior to final plat.

Detached Single-Family Residential. The applicant is proposing 490 - 50' wide, 6,000 sq. ft. detached single-family residential lots. The proposed minimum standards are:

	R-8 Zoning	Proposed R-8 CZ
Lot area	8000 sq. ft.	6,000 sq. ft.
Lot width	70 ft.	50 ft.
Front setback	30 ft.	25 ft.
Side setback	10 ft.	5 ft.
Rear setback	25 ft.	15 ft.
Min. unit size		1600 sq. ft.
Garages*		One car
Off-street parking		2 spaces/home

All garages for single-family detached units depicted in the renderings are '1.5-car' garages – they don't accommodate two cars, but they do include a bit of storage space.

No rear yard patio or deck has been proposed. Staff recommends a usable rear deck or patio be included with each unit of at least 100 sq. ft. in size.

No rear yard patio or deck has been proposed. Staff recommends a usable rear deck or patio be included with each unit of at least 100 sq. ft. in size.

Townhouses. The applicant is proposing 691 attached single-family townhouses. In accordance with UDO, townhouses development requires a special use permit. The conditional zoning is an alternative to the special use permit process. The proposed minimum standards are:

	R-8 Zoning	Proposed R-8 CZ
Lot area	N/A	2,000 sq. ft
Lot width	N/A	20 ft.
Front setback	30 ft.	25 ft.
Building separation	40 ft.	20 ft.

Rear setback	25 ft.	15 ft.
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Overflow parking is	Min. unit size for 2 br/ 2 bath	1,400-1,500 sq. ft.	not
	Min. unit size for 3 br/ 2.5 bath	1,600 sq. ft.	
	Garages	One car	
	Off street parking per unit (on lot)	2 spaces/lot	
	Off-street overflow parking	275	
	Total Off-street parking per unit*	2.39 spaces/unit	

conveniently located for all units. The UDO allows commercial remote parking within 400' of a commercial business – a suitable standard to go by for overflow parking.

The amount of off-street parking meets the UDO standards, but is less than similar proposed developments recently approved by the Town Council:

Development	Total Off-street Parking per unit
Floyds Landing	2.62 spaces/unit
Marin Woods	3.05 spaces/unit
Harvest Run	3 spaces/unit on lot
Franklin Townes	3.33 spaces/unit

The developer has provided an elevation and image of a typical townhouse proposed for the development. There are 691 units proposed in over 100 townhouse buildings. Additional architectural styles should be provided of similar quality and character to provide visual interest throughout the development.

No rear yard patios or decks have been proposed. Staff recommends a usable rear deck or patio be included with each unit of at least 100 sq. ft. in size.

Multi-family Apartments. The developer is proposing 564 units in (22) 3-story apartments and 260 units in (3) 4-story apartments. In accordance with UDO, multi-family development requires a special use permit. The conditional zoning is an alternative to the special use permit process. The proposed minimum standards are:

Min. unit size for 1 br/ 1 bath	750-900 sq. ft.
Min. unit size for 2 br/ 2 bath	1,000-1,200 sq. ft.
Multi-family storage	None
Garages	None
Off street parking per unit	1.5 spaces/1 bedroom and 1.75 spaces /2 bedroom

The master plan and supporting information for the multi-family apartments was lacking sufficient information to determine if the standards and supplemental standards for multi-family development are being met (UDO Section 8.13 and Section 7.35).

The Town Council should consider whether the accessory storage requirement should be waived. Staff recommends keeping this requirement.

Architectural Standards. The developer has not articulated any architectural standards; rather he has indicated that all unit types, single-family, townhouse and apartments will be comprised of Class A materials.

Interior materials. The interior will be comprised of stainless-steel appliances, granite counter tops, luxury vinyl tile or engineered wood floors.

Exterior materials. The exterior of the buildings will be comprised of hardiplank siding, brick and stucco.

- No details have been provided for individual front or rear yard walks, patios or landscaping
- No details have been provided for townhouse end units facades or rear facades.
- Façade modulations and colors are unknown.
- Architectural elements and roof line changes are unknown

CONDITIONAL ZONING:

For the multi-family development, townhouses and apartments, special use permits are required or they can be approved through this conditional zoning process. Multi-family must be developed in accordance with supplementary standards found in the UDO Section 7.35. Regardless the process

the same application data is required. In the case of the multi-family development, the key data needed to properly evaluate the development is:

- Parking.
- Landscaping.
- Trash and recycling enclosures and screening.
- Architectural floor plans and elevations and building materials.
- Setbacks and other dimensional information.
- Pedestrian circulation.
- Recreation areas and amenities (4-story apartments only).

The Woodleaf masterplan and supporting materials are lacking this data, limiting Staff and other's ability to fully review the proposal. The Town Council has the option to approve the rezoning with the master plan, table the master plan and request additional information, or require a special use permit for the Townhouse and/or apartment developments. The developer is requesting that rather than a condition requiring a special use permit, the following condition be placed on the approval: "Prior to approval of a site plan for any portion of the multi-family site, the submitted draft site plan shall be presented to the Town Council for review and comment."

CONDITIONAL ZONING:

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	R-8/UDO	R-8 CZ
Single family minimum lot area (UDO Section 8.3.1)	8,000 sq. ft	6,000 sq. ft.
Single family minimum lot frontage (UDO Section 8.3.1)	70'	50'
Min. front setback for TH and SF (UDO Section 8.3.1):	30 ft	25'
Min. side setback SF (UDO Section 8.3.1):	10'	5'
Min. rear setback for TH and SF (UDO Section 8.3.1):	25'	15'
Max. building Height for TH and Apartments (UDO Section	35'	>35' for TH and not to exceed 4-stories for apartments.
Building separation for TH and Apartments (UDO Section	25'-40' depending on heights	20' for TH.
Corner lot side setback (UDO Section 8.13.3.1)	½ of front setback (12.5')	15'
Min bufferyard requirements (UDO Section 10.14)	varies according to adjacent use	No min. bufferyard along internal boundaries between uses
Min. local street right-of-way width (10.110.9)	60'	50'
Local street pavement width (N/I curb and gutter (UDO Section 10.14)	24'	22'
Curb and Gutter (Standard Detail 3.02 D)	B-6-12 curb and gutter	Valley curbs in front of townhouses and within 10' of the end unit.

Consistency Statement (Staff Opinion):

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

- **Consistency with the Comprehensive Growth Management Plan** – *the development is not consistent with the comprehensive plan. If approved, the Council should acknowledge that the comprehensive plan is hereby amended guiding the property for medium density residential.*
- **Consistency with the Unified Development Code** – *the property will be developed in conformance with the UDO conditional zoning provisions that allows a good faith negotiation of development standards.*
- **Compatibility with Surrounding Land Uses** - *The property considered for rezoning will be compatible with the surrounding land uses.*

Planning Board Discussion and Recommendation

The Planning Board discussion primarily focused on:

- Overflow parking and accepted developer's standard of 500' vs. the minimum 400' requested by Staff.
- Rejected the need for a hierarchy of streets be provided; where higher traffic streets are wider and short streets and cul-de-sacs be considered for narrower streets, and variable setbacks.
- Rejected the need for traffic calming measures on long east-west streets.
- Recommended detachment of development from Marshall Road.

Planning Staff recommends approval of CZ-22-02 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 with the following deviations:

Item	R-8 CZ
Single family minimum lot area (UDO Section 8.3.1)	6,000 sq. ft.
Single family minimum lot frontage (UDO Section 8.3.1)	50'
Min. front setback for TH and SF (UDO Section 8.3.1):	25'
Min. side setback SF (UDO Section 8.3.1):	5'
Min. rear setback for TH and SF (UDO Section 8.3.1):	15'
Max. building Height for TH and Apartments (UDO Section)	>35' for TH and not to exceed 4-stories for apartments.
Building separation for TH and Apartments (UDO Section)	20' for TH.
Corner lot side setback (UDO Section 8.13.3.1)	15'
Min bufferyard requirements (UDO Section 10.14)	No min. bufferyard along internal boundaries between uses
Min. local street right-of-way width (10.110.9)	50'
Local street pavement width (N/I curb and gutter (UDO Section 10.14)	22'
Curb and Gutter (Standard Detail 3.02 D)	Valley curbs in front of townhouses and within 10' of the end unit.

2. That the parking lot entrances be constructed in accordance with the town's standard driveway apron detail.
3. That a tree preservation plan be provided that identifies the trees to be preserved.
4. That the trash and recycling roll-off containers in the single family and townhouses units be screened from the public right-of-way or stored within a garage or the rear yards and enforced by the HOA.
5. That the landscape plan be provided meeting minimum requirements of the UDO Part III and include:
 - a. A 3' average height - landscaped berm with decorative fence be provided between Mallard Road and rear property lines where there are double fronted lots.
 - b. A standard street yard or greater shall be along Mallard Road frontage.
 - c. Multi-family apartments shall comply all landscaping and buffering requirements.
 - d. Townhouse (multi-family) shall maintain a Type A buffer or greater from existing single-family detached residential development.
6. A 5' wide public sidewalk shall be provided on the west side of Mallard Road and an 8' wide multi-use trail shall be provided on the east side of Mallard Road. The sidewalks/trails shall be located outside of the ditch within the Mallard Road right-of-way or within a public easement on HOA property adjacent to the Mallard Road right-of-way.
7. The HOA declarations be submitted for review by the Town Attorney prior to final plat.
8. That architectural standards be drafted and included in the HOA declarations.
9. That an HOA be responsible for the ownership and maintenance of all common amenities including landscaping and property maintenance for the entire development, the stormwater SCM, parking lots, recreational amenities, and open space, parking enforcement and trash and recycling roll-off storage/screening.
10. That cul-de-sacs be revised to meet the Town's standard details for cul-de-sacs.
11. That several additional architectural styles for townhouses be provided of similar quality and character to provide visual interest throughout the development.
12. That all single-family homes and townhomes have rear decks or patios of at least 100 sq. ft. in size.
13. Street trees shall be outside the public right-of-way – the master plan should be update accordingly.
14. That overflow parking be provided within 500' of each townhouse building.
15. There should be no lateral road connection with Marshall Road.
16. No parking on the public streets should be enforced by the HOA.
17. Prior to approval of a site plan for any portion of the multi-family site, the submitted draft site plan shall be presented to the Town Council for review and comment.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the April 5, 2022 agenda packet.

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

Councilman Scott stated he was concerning about the lot size and street width. He questioned if those items were negotiable. He further stated that 500 feet was a long distance away from the townhouses for overflow parking.

Councilman Lee questioned if staff had been communicating with the school system. A development of this size would be a huge impact to area school. Mr. Wensman responded the school system had been informed.

Mayor Pro-Tem Dunn stated he was concerned that with the overflow parking being so far away, there would be parking on the roadway overnight which could be a problem. Mr. Wensman responded there had been some conversation about on street parking and the streets could be designated as "No Parking." The Homeowners Association would enforce the no parking regulation. If the streets become Town Streets, the Police Department would enforce the no parking restriction.

Mayor Pro-Tem Dunn stated there would be sidewalks on both sides of the street in the residential area and a trail along Mallard Road. Mr. Wensman responded the Pedestrian Plan shows one side of Mallard Road having a multi-use trail and the other side having a sidewalk.

Councilman Stevens questioned the type of buffer between the existing residential properties and the proposed townhomes. Mr. Wensman responded it would be a Class B buffer.

Councilman Rabil questioned the number of parking spaces at the townhomes. Mr. Wensman responded there would be 2 spaces; one in the garage and one in the driveway.

Mayor Pro-Tem Dunn asked if there was anyone in attendance who wished to speak on the matter.

Molly Stewart of Morningstar Law Group, speaking on behalf of the applicants, explained a project of this size could bring the critical mass needed to bring in the infrastructure needed to open this portion of the town. It would begin with the necessary water and sewer infrastructure enabling the Town to grow in a compact way into this area. It would bring a few additional benefits including: the pedestrian facility along Mallard Road, the property tax revenue associated with more than 2000 new households, and badly needed housing due to employment growth in the area. The compact design of this development would reduce environmental impacts and reduce the impact to the Town's budget because Town services required for the area will be in a focused and concentrated area. Another goal of the compact development was to provide a village feel for residents. All streets in the development are the narrowest version and that was by design. By bringing the large width streets down to narrow widths creates a traffic calming measure. The developers have supported and accept all of the Planning Board's recommended conditions. Also, with a project of this size, it was very difficult to provide the level of detail the Council has been accustomed to reviewing. To design to that level would involve and \$8 to \$10 million investment prior to having an entitlement to ensure that the investment could be used. The developer has allowed the strong existing controls of the UDO to govern the future development of the site and seeking limited variability

Councilman Scott questioned how having the minimum side setback at 5' as opposed to 10" would benefit the Town. Ms. Stewart responded that with a project of this size, many features contributed to the compact design. In this instance, the side setbacks bring everything closer together.

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

Councilman Wood made a motion, seconded by Councilman Stevens, to approve the zoning map amendment, CZ-22-02, with the 17 conditions of approval, finding the rezoning consistent with the Town of Smithfield Comprehensive Growth Management Plan as hereby amended and other adopted plans, and that the amendment is reasonable and in the public interest. Councilman Wood, Councilman Stevens and Mayor Pro-Tem Dunn voted in favor of the motion. Councilman Lee, Councilman Rabil and Councilman Scott voted against the motion. Motion failed.

Councilman Scott requested a five-minute recess. Council recessed the meeting at 9:07 pm.

Mayor Pro-Tem Dunn reconvened the meeting at 9:17pm

Councilman Scott stated he had trepidations about the overflow parking being 500' from the townhouse building. He would also like the front setbacks increased from 25' to 30'. He questioned if the developer would be agreeable to those two changes. Ms. Stewart confirmed the developer was agreeable to those changes.

Councilman Scott made a motion, seconded by Councilman Rabil, to approve the zoning map amendment, CZ-22-02, with the 17 conditions of approval, finding the rezoning consistent with the Town of Smithfield Comprehensive Growth Management Plan as hereby amended and other adopted plans, and that the amendment is reasonable and in the public interest. Unanimously approved.

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 with the following deviations:

Item	R-8 CZ
Single family minimum lot area (UDO Section 8.3.1)	6,000 sq. ft.
Single family minimum lot frontage (UDO Section 8.3.1)	50'
Min. front setback for TH and SF (UDO Section 8.3.1):	30'
Min. side setback SF (UDO Section 8.3.1):	5'
Min. rear setback for TH and SF (UDO Section 8.3.1):	15'
Max. building Height for TH and Apartments (UDO Section)	>35' for TH and not to exceed 4-stories for apartments.
Building separation for TH and Apartments (UDO Section)	20' for TH.
Corner lot side setback (UDO Section 8.13.3.1)	15'
Min bufferyard requirements (UDO Section 10.14)	No min. bufferyard along internal boundaries between uses
Min. local street right-of-way width (10.110.9)	50'
Local street pavement width (N/I curb and gutter (UDO Section 10.14)	22'
Curb and Gutter (Standard Detail 3.02 D)	Valley curbs in front of townhouses and within 10' of the end unit.

2. That the parking lot entrances be constructed in accordance with the town's standard driveway apron detail.
3. That a tree preservation plan be provided that identifies the trees to be preserved.
4. That the trash and recycling roll-off containers in the single family and townhouses units be screened from the public right-of-way or stored within a garage or the rear yards and enforced by the HOA.
5. That the landscape plan be provided meeting minimum requirements of the UDO Part III and include:
 - a. A 3' average height - landscaped berm with decorative fence be provided between Mallard Road and rear property lines where there are double fronted lots.
 - b. A standard street yard or greater shall be along Mallard Road frontage.
 - c. Multi-family apartments shall comply all landscaping and buffering requirements.
 - d. Townhouse (multi-family) shall maintain a Type A buffer or greater from existing single-family detached residential development.
6. A 5' wide public sidewalk shall be provided on the west side of Mallard Road and an 8' wide multi-use trail shall be provided on the east side of Mallard Road. The sidewalks/trails shall be located outside of the ditch within the Mallard Road right-of-way or within a public easement on HOA property adjacent to the Mallard Road right-of-way.
7. The HOA declarations be submitted for review by the Town Attorney prior to final plat.
8. That architectural standards be drafted and included in the HOA declarations.
9. That an HOA be responsible for the ownership and maintenance of all common amenities including landscaping and property maintenance for the entire development, the stormwater SCM, parking lots, recreational amenities, and open space, parking enforcement and trash and recycling roll-off storage/screening.
10. That cul-de-sacs be revised to meet the Town's standard details for cul-de-sacs.
11. That several additional architectural styles for townhouses be provided of similar quality and character to provide visual interest throughout the development.
12. That all single-family homes and townhomes have rear decks or patios of at least 100 sq. ft. in size.
13. Street trees shall be outside the public right-of-way – the master plan should be update accordingly.
14. That overflow parking be provided within 400' of each townhouse building.
15. There should be no lateral road connection with Marshall Road.
16. No parking on the public streets should be enforced by the HOA.
17. Prior to approval of a site plan for any portion of the multi-family site, the submitted draft site plan shall be presented to the Town Council for review and comment. Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the April 5, 2022 agenda packet.

CITIZEN'S COMMENTS:

- Jacqueline Debnam Watson congratulated Councilman Lee on his reelection. She expressed concerns about a nuisance property located 306 Martin Luther King Jr. Drive. She explained the property has become overgrown and unsightly. Last year, the Town cleaned the overgrowth and she would like it cleaned again.

CONSENT AGENDA:

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

1. The following minutes were approved:
 - April 25, 2022 – Budget Session
 - April 26, 2022 – Budget Session

- May 3, 2022 – Regular Meeting
 - May 3, 2022 – Closed Session
 - May 10, 2022 – Budget Session
2. Special Event: Health and Wellness Event - The Disabled American Veterans was granted approval to hold a health and wellness event at 1500 Buffalo Rd on July 30, 2022 from 9:00 am until 4:00 pm. This request includes the use of amplified sound.
 3. Approval was granted to adopt Resolution No. 698 (07-2022) allowing retired Police Captain Ryan Sheppard to purchase his service badge and weapon.

**TOWN OF SMITHFIELD
RESOLUTION No. 698 (07-2022)
AWARDING THE SERVICE BADGE AND WEAPON
TO RETIRED POLICE CAPTAIN RYAN SHEPPARD**

BE IT RESOLVED that the Town Council of the Town of Smithfield hereby awards the service weapon, Glock 45, Serial Number BSTD888 and service badge to retired Police Captain Ryan Sheppard, at a price of \$1.00.

4. Approval was granted to promote a Customer Service Representative to Senior Customer Service Representative.
5. Approval was granted to pay off the Recreation and Aquatics Center debts using General Fund fund balance and the budget amendment memorializing the loan payoff.

2. Revenue

10-00-3900-3900-0000 Fund Balance	<u>\$ 1,363,772</u>	<u>\$ 2,284,876</u>	<u>\$ 3,648,648</u>
Appropriation			

Expenditures

10-60-4120-5400-9534 Debt Service/Aquatic Center (Town)	\$ 271,629	\$ 1,374,145	\$ 1,645,774
10-60-4120-5400-9535 Debt Service/Aquatic Center (FOP)	<u>181,086</u>	<u>910,731</u>	<u>1,091,817</u>
	<u>\$ 452,715</u>	<u>\$ 2,284,876</u>	<u>\$ 2,737,591</u>

To fund loan payoff for two (2) SRAC accounts as approved at the May 16, Council meeting

6. Bid was awarded to Donald Ray Mzingo in the amount not to exceed \$80,000 for the installation of AMI Water Meters
7. Contract was awarded to Mauer Architects to conduct a renovation study for the Old American Legion Hut.

8. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Electric Line Technician (2)	PU – Electric	31-72-7230-5100-0200	\$19.96/hr. (\$41,516.80/yr.)
P/T SRAC Staff (5)	P&R- Aquatics	10-60-6220-5100-0230	\$8.00/hr.
P/T SRAC Staff (2)	P&R- Aquatics	10-60-6220-5100-0230	\$9.00/hr.
P/T SRAC Staff (2)	P&R- Aquatics	10-60-6220-5100-0230	\$9.00/hr.
P/T Athletics Staff	P&R – Athletics	10-60-6240-5100-0210	\$10.00/hr..

Current Vacancies

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Electric Line Technician	PU – Electric	31-72-7230-5100-0200
Facility Maintenance Specialist	PW	10-30-5600-5100-0200
IT Specialist	General Government	Shared
P/T Equipment Mechanic	PW – Garage	10-30-5650-5100-0200
Police Officer I/II – Patrol (4 positions)	Police	10-20-5100-5100-0200
Police Records Specialist	Police	10-20-5100-5100-0200
Utility Line Mechanic	PU – Water/Sewer	30-71-7220-5100-0200
Water Plant Superintendent	PU – Water Plant	30-71-7200-5100-0200

9. The Johnston County Mutual Aid Agreement for Fire Protection was approved.

Business Items:

1. Annexation Request – Floyd Landing Holding, LLC (ANX-22-01): The property owner has submitted a request for voluntarily contiguous annexation of 96.82 acres into the Town of Smithfield and adoption of Resolution No. 699 (08-2022)

Planning Director Stephen Wensman addressed the Council on a request by Floyd Landing Holding, LLC to annex 96.82 acres into the Town of Smithfield. Mr. Wensman explained this was the first step in the annexation process. Essentially, the Council was directing the Town Clerk to certify the sufficiency of the annexation petition. If the petition was sufficient, the Council would accept the findings and schedule the public hearing for the August meeting.

Councilman Wood made a motion, seconded by Councilman Rabil, to adopt Resolution No. 699 (08-2022) directing the Town Clerk to investigate the sufficiency of the annexation petition. Unanimously approved.

**TOWN OF SMITHFIELD
RESOLUTION NO. 699 (08-2022)
DIRECTING THE CLERK TO INVESTIGATE A PETITION
RECEIVED UNDER G.S. 160A-31**

WHEREAS, a petition requesting annexation of an area described in said petition was received on June 7, 2022 by the Smithfield Town Council; and

WHEREAS, G.S. 160A-31 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 attached petition and to certify as soon as possible to the Town Council the result of her investigation

2. Consideration and request for approval to award two contracts with Santec for engineering design of Pump Station 1 and with the Wooten Company for engineering design of improvements at Pump Station 11

Public Utilities Director Ted Credle explained that in March of 2022, the Town was notified by the North Carolina Department of Environmental Quality (NCDEQ) Division of Water Infrastructure (DWI) that certain water & wastewater projects were to be funded through the American Rescue Plan (ARP) fund. These proposed projects are designed to help alleviate capacity issues at both Pump Station #1 and Pump Station #11; which will prepare the way for growth in Smithfield. As such, the engineering design for these projects was advertised publicly, and on May 5, two (2) companies responded. Each was responsive and found to be qualified. As such, Town staff was recommending that each company be assigned a separate project. The Wooten Company was recommended to provide services for improvements at Pump Station #11 and Stantec was recommended to provide design services at Pump Station #1. Of course, agreement with these companies depends on their ability to provide the needed services within the DWI-approved project scope & budget. Staff as asking the Town Council to approve the two, mentioned design firms, Stantec and The Wooten Company, as the design firms of record and to authorize the Town Manager to execute contracts for their services, provided such services are within the DWI-approved scope & budget.

Councilman Scott made a motion, seconded by Councilman Wood, to award the contract to Santec for engineering design of Pump Station 1 and to award the contract to the Wooten Company for engineering design of improvements at Pump Station 11. Unanimously approved.

3. Consideration and request for approval to award a bid in the amount of \$181,275.70 to Tripp Brothers Inc. for the 2021-2022 Street Resurfacing Project

Public Works Director Lawrence Davis addressed the Council on a request to award the 2021-2022 street resurfacing project bid to Tripp Brothers, Inc. Mr. Davis explained this year's resurfacing project consist of one (1) street "Outlet Center Drive" that will require milling down 2" below line before paving can be done. Approximately .53 miles of city streets will be paved. This is due to the increased costs of Asphalt. Outlet Center Drive is the next street due to be paved according to the Town's repaving schedule.

Fourteen (14) BID packets for the project were sent out to area contractors. The following proposals were received:

1. Tripp Bro	\$181,275.70
2. Garris Grading & Paving	\$214,831.52

3. ST Wooten Corp	\$217,803.25
4. Daniels Inc Garner	\$232,166.63
5. Ralph Hodge Construction Co., Inc.	\$260,026.62

Mr. Davis explained that due to the amount of Powell Bill funding and the rising cost of fuel, the resurfacing project needed to be scaled back. Originally the request for proposals included 14 streets. When staff reviewed those bids, the estimates ranged from \$881,000 to \$541,000. Mr. Davis further explained that staff receives a lot of complaints about the condition of Outlet Center Drive, but if the Council wished to do neighborhood streets, he recommended doing 8 streets. The 8 Streets include the following: East Street, McCullers Street, Hancock Street, North Bridge Street, North Street from 900 Block 2000 Block and Holden Street for a total of \$183,640.73.

Councilman Scott made a motion, seconded by Councilman Rabil, to table this request until the June 27th meeting. Unanimously approved.

4. Consideration and request for to adopt year-end budget amendments and encumbrances

Finance Director Greg Siler asked that this item be tabled until the June 27th meeting

Councilman Scott made a motion, seconded by Councilman Wood, to table this item until the June 27th meeting. Unanimously approved.

Councilmembers Comments:

- Councilman Scott expressed his appreciation to the Town Manager and staff for their hard work on the budget. He stated he was in favor of increasing the employees' salaries explaining the Town had to be competitive. He further explained that Chief of Police Keith Powell provided the Council with a draft Take Home Car Policy for the Police Department. He stated it was important for the Council to review the policy and discuss it.
- Councilman Wood expressed his appreciation to former Councilman David Stevens. He stated Councilman Stevens brought a lot of wisdom, knowledge and calm demeanor to the Council.
- Councilman Lee stated the Police Department has recently faced some difficult situations. He stated it was important for the Council to take care of its employees.
- Mayor Pro-Tem Dunn welcomed Councilman Sloan Stevens to the Town Council.

Town Manager's Report:

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

- The 4th of July fireworks will take place downtown this year at dusk on July 3rd.
- July's Regular Council Meeting will be July 12th, at 7:00. This is due to the July 4th Holiday. Trash will also not be collected on Monday the 4th. South Smithfield Trash will be picked up on Wednesday the 6th.
- The annual Juneteenth celebration will take place on June 18th at Smith Collins Park. We plan to begin leaving the restrooms open during the day following the event. This will allow the kids from the splash pad to have restroom access.

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

Councilman Wood made a motion, seconded by Councilman Rabil, to enter into Close Session pursuant to the aforementioned statute. Unanimously approved at 9:55 pm.

Reconvene in Open Session

Councilman Rabil made a motion, seconded by Councilman Stevens, to reconvene in open session. Unanimously approved at 10:13 pm.

Recess

Having no further business, Councilman Rabil made a motion, seconded by Mayor Pro-Tem Dunn, to recess the meeting until Monday, June 27, 2022 at 6:30 pm in the Council Chambers. Unanimously approved. The meeting recessed at approximately 10:14 pm.

ATTEST:


Shannan L. Parrish, Town Clerk




M. Andy Moore, Mayor