

The Smithfield Town Council met in regular session on Tuesday, April 16, 2024 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:

Roger Wood, Mayor Pro-Tem
Travis Scott, District 3
Dr. David Barbour, District 4
John Dunn, At-Large
Stephen Rabil, At-Large

Councilmen Absent

Marlon Lee, District 1
Sloan Stevens, District 2

Administrative Staff Present

Michael Scott, Town Manager
Ted Credle, Public Utilities Director
Jeremey Daughtry, Fire Chief
Lawrence Davis, Public Works Director
Pete Hedrick, Chief of Police
Gary Johnson, Parks & Rec Director
Tim Kerigan, Human Resources
Shannan Parrish, Town Clerk
Chloe Allen, Planner

Also Present

Bob Spene, Jr., Town Attorney

Administrative Staff Absent

Stephen Wensman, Planning Director
Greg Siler, Finance Director

Call To Order

Mayor Moore called the meeting to order at 7:01 pm

Invocation

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

Approval of the Agenda

Councilman Dunn made a motion, seconded by Mayor Pro-Tem Wood, to approve the agenda with the following changes:

Move from the Consent Agenda to the Business Items

1. Consideration and request for approval to adopt Resolution No. 745 (06-2024) to submit a grant application for the College Pond Retrofit project

Add to the Business Items

2. Consideration and request for approval to use contingency funds to replace the sewer line at the Talton Fields Restrooms and allow Stuckey's Backhoe Services to perform the work
3. Consideration and request for approval to release funds not to exceed \$21,905 from the Downtown Special Projects line item to the Downtown Smithfield Development Corporation for the lease of 2 billboard spaces on I-95.
4. S-24-01 Jubilee Creek Subdivision: CMH Homes Inc. is requesting approval of the preliminary plat of a 4.83-acre parcel (Johnston County Tax ID# 15I09034M), located southwest of the Galilee Road and Hwy 210 Intersection, adjacent to and north of the West Smithfield Elementary School into a 7-lot single-family residential subdivision.

Unanimously approved.

Presentations:

1. 2024 Ham & Yam Tee Shirt Poster Design Award

Town Manager Michael Scott introduced Mariah Allen, a sophomore from South Johnston High School, and winner of the Ham and Yam Tee Shirt & Poster design. Downtown Smithfield Development Corporation John Bilott presented her with a \$300.00 from the DSDC.

Public Hearings:

1. **Rezoning Request – Swift Creek Property (RZ-24-01):** Harrison Tulloss/ Aaron Grosclouse are requesting the rezoning of two parcels (0.72 acre and 14.30 acres) located on north side of Swift Creek Road near the entrance to the Johnston County Regional Airport from R20-A (Residential-Agriculture) to LI (Light Industrial). The properties are further identified as Johnston County Tax ID Nos. 15J08015B and 15J08014C.

Mayor Moore explained to the Council that there were some technicalities with this request because the rezoning application was incomplete. Town Attorney Bob Spence suggested that the Council conduct the public hearing and delay any final decision.

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

Planner Chloe Allen explained the applicants were requesting to rezone two properties from R20-A to LI. The smaller of the parcels was a former residential lot. The larger parcel was vacant but was

temporarily used for a gravel parking lot by Blue Line Aviation. There were no wetlands or environmental issues associated with these parcels. The 14.30-acre parcel was annexed into the town in 2022. The .072-acre parcel is in the ETJ. The 14.30-acre parcel was previously rezoned to B-3-CZ with a master plan, but that plan was no longer viable, and the owner would like to rezone the property and the 0.72-acre adjacent property to light industrial to market the properties for sale. This rezoning was consistent with the Comprehensive Plan.

Recommendation: Planning Staff and the Planning Board recommend approval of RZ-24-01 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.

Planner Chloe Allen has included all pertinent information in the April 16, 2024, agenda packet and provided it to the Council in written form.

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

Councilman Scott and Councilman Dunn questioned if there was a sewer capacity issue for these properties. They recalled that was an issue when it was originally approved for conditional zoning. Ms. Allen responded she believed it was an issue at that time because the plan called for multiple buildings on that lot. Public Utilities Director Ted Credle responded that the developer would have to work out any capacity issues with Johnston County.

Mayor Moore questioned if the Council chose to rezone the properties, would a master plan be submitted to the Council for approval at a later date. Ms. Allen stated that not all plans would come back to the Council if it was a Light Industrial use by right of the zoning.

Mayor Moore inquired if anyone in the audience wished to comment on the matter. No one in attendance responded.

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

Councilman Barbour made a motion, seconded by Mayor Pro-Tem Wood, to table a decision on the request until the May 7, 2024 due to the application being incomplete. Unanimously approved.

Town Clerk Shannan Parrish administered affirmations to those wishing to testify during the public hearing.

- 2. Preliminary Plat Request –Hillcrest Dr/Poplar Dr/Riverdale Cir Subdivision (S-24-02):** BRL Engineering and Surveying is requesting approval of the preliminary plat of a 33.99-acre parcel into a 10-lot single-family residential subdivision in the R-10 zoning districts. The property is further identified as Johnston County Tax ID No.15083049B

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

Planner Chloe Allen testified that the applicant was requesting preliminary approval for a 10-lot single-family residential development on 34 acres within the R-10 and R-28 zoning districts. The location of this project is shown on the map, which includes Hillcrest Drive, Riverdale Road, and Poplar Road. The applicant, Brian Leonard of BRL Engineering and Surveying, represents the property owners, Market Street 1500 LLC. The land was currently zoned R-20A and R-10 and was vacant, proposed for single-family residential use. The development will utilize Town of Smithfield water and sewer lines, and Duke Energy will provide electricity.

The preliminary plat has been presented, highlighting a large 34-acre tract with homes planned only for the northwestern part. The 100-year floodplain is marked, and while Lot 10 was partially within this floodplain, the home built on it will not be. No new public infrastructure was proposed, although the utilities department may require a new waterline, which the developer must provide. This project was considered a major subdivision because it exceeds three lots, but no new roads are being built. The development was exempt from stormwater retention due to the large undeveloped floodplain area, which should be deed-restricted for stormwater management. This proposal aligned with the comprehensive and growth management plans, guiding for medium-density residential development within the AR-10 zoning district.

Lot 10, although partially within the floodplain, has sufficient space for building outside the floodplain, necessitating a floodplain certificate. Major residential subdivisions typically require sidewalks along one side of the streets; however, since no new streets are being constructed and there are no existing sidewalks in the area, the staff does not require new sidewalks. The existing streets are about 20 feet wide with ditch drainage. Lot 7 is a flag lot with 60 feet of road frontage, meeting UDO requirements. There is a land gap between the current property owner and the right-of-way, which was being reviewed, with plans to deed this gap to the existing homeowner.

The R-10 District regulations in the UDO state that single-family dwellings must be on a minimum lot size of 8,000 square feet with a minimum lot frontage of 70 feet. All of these lots meet those requirements, except for one flag lot, which meets the UDO requirement of 60 feet of road frontage for flag lots.

The plan was consistent with the adopted comprehensive plan, complies with all parts of the UDO, and has adequate infrastructure to serve the development. The plat will not be detrimental to the use or development of adjacent properties or neighborhood uses.

Finding of Fact:

To approve a preliminary plat, the Town Council shall make the following finding (staff's opinion in Bold/Italic):

1. The plat is consistent with the adopted plans and policies of the town; ***The plat is consistent with the adopted comprehensive plan.***
2. The plat complies with all applicable requirements of this ordinance; ***The plan complies with all applicable requirements of this ordinance.***
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.***

Recommendation: Staff recommends approval of the Hillcrest/Poplar/Riverdale preliminary plat, S-24-02, with three conditions:

1. That the undeveloped land within the flood plain be deed restricted from further development.
2. That the preliminary plat approval be contingent on staff approval of the construction drawings.
3. That the "land gap" be deeded to the property owner of 102 Riverdale Circle

Planner Chloe Allen has included all pertinent information in the April 16, 2024, agenda packet and provided it to the Council in written form.

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

Councilman Scott asked for a definition of a flag lot, and Ms. Allen provided an explanation.

Councilman Scott questioned if the setbacks were met according to town requirements. Ms. Allen responded it was a preliminary plat so the exact locations for each house was unknown, but the developer provided approximate house boxes which met all setback requirements.

Mayor Moore questioned the proposed extension of the water line. Public Utilities Director Ted Credle testified the town map indicated there was an existing water line on Poplar Drive between Hillcrest and Riverdale circle. If they develop, they'd have to extend that line to serve the lots 7,9 & 10 on Poplar Drive.

Mayor Moore asked if the applicant if he agreed with the testimony offered by Ms. Allen. Brian Leonard, of BRL Engineering and Surveying, responded he was in agreement with the testimony offered by Ms. Allen.

Mr. Leonard testified the subdivision was unique because we don't have infrastructure to install, other than the waterline we recently learned about. Extensive surveys were conducted to determine existing lot frontages and boundaries. Apart from the approximate house locations, this will closely resemble the final recorded plat. Surveyed adjacent properties and lot frontage identified the 100-year floodplain. All but one lot were outside this floodplain. Considering the entire 34-acre area, this was a low-density development, which fell below the stormwater thresholds for low-density projects. Recording this plat will formalize the right of way and benefit both the neighborhood and the town.

Regarding the land gap, the owner intended to deed it to the adjacent property owners to ensure they have access and no gap between their property and the right of way. According to the updated stormwater regulations, developments below 24% impervious area are classified as low-density and do not require stormwater ponds. We are well below this threshold. The planning director requested a deed restriction on the undeveloped portion of the land within the floodplain to prevent future impervious area additions. To avoid encumbering the entire remaining 34 acres, we proposed calculating the necessary acreage to stay below 24% impervious area. We calculated that dedicating 6.7 acres for the development, with 3 acres for the lots and the remaining 3.7 acres as open space, would suffice. We requested that only this 6.7-acre portion be deed-restricted, and the staff and planning board agreed with this approach.

Mr. Leonard further testified he agreed to do the water line extension as recommend by Mr. Credle. There were also some stormwater suggestions that he is working with Planning Staff.

Councilman Barbour questions if sidewalks would be required. Mayor Moore stated because they were not constructing streets, there was no requirement for sidewalks.

Councilman Scott questioned if the developer had any idea how the additional acreage would be used. Mr. Leonard responded he did not believe that would be developed due to delineated wetlands.

Councilman Scott inquired if there was any plan to construct duplexes and not single-family dwellings. Mr. Leonard responded it has always been the intension to construct single-family houses.

Mayor Moore asked if there was anyone in attendance that was sworn to testify wished to speak on

this matter. There was no one in attendance that wished to speak on the matter.

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

Councilman Barbour made a motion, seconded by Councilman Scott, to agree with the four findings of fact. Unanimously approved.

Councilman Barbour made a motion, seconded by Councilman Rabil, to approve the Hillcrest/Poplar/Riverdale preliminary plat, S-24-02, with three conditions:

1. That the developer will subdivide/ develop out enough of the undeveloped land to meet the current stormwater management plan approved by Planning Staff.
2. That the preliminary plat approval be contingent on staff approval of the construction drawings.
3. That the "land gap" be deeded to the property owner of 102 Riverdale Circle

developer will subdivide, develop out enough of the undeveloped land to meet current stormwater management. that is approved by planning staff

Citizens Comments: None

Consent Agenda

Mayor Pro-Tem Wood made a motion, seconded by Councilman Dunn, to approve the item listed on the consent agenda. Unanimously approved.

1. Approval was granted to adopt Resolution No. 746 (07-2027) accepting \$900,000 in state appropriated grant funding.

TOWN OF SMITHFIELD
 RESOLUTION NO. 746 (06-2024)
 ACCEPTING NORTH CAROLINA DIRECTED GRANT FUNDS

WHEREAS, in the 2023 State Appropriations Act, the State of North Carolina appropriated directed grants totaling \$900,000 for the Neuse River Amphitheater, Community Safety and the Ava Gardner Museum; and

WHEREAS, the Town of Smithfield received \$300,000 for capital costs and equipment associated with renovations at the Neuse River Amphitheater; and

WHEREAS, the Town of Smithfield received \$450,000 for capital improvements and equipment to support community safety and accessibility; and

WHEREAS, the Town of Smithfield received \$150,000 for a fire suppression system in the Ava Gardner Museum; and

WHEREAS, the Town of Smithfield intends to perform said projects in accordance with the agreed scope of work.

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

- That Town of Smithfield does hereby authorize the acceptance of these funds from the State of North Carolina.
- That The Town of Smithfield does hereby give assurance to the State of North Carolina that any conditions or assurances contained in the funding offer and acceptance (award offer) will be adhered to; has substantially complied or will substantially comply, with all that any Conditions or Assurances contained in the Funding Offer and Acceptance (award offer) will be adhered to; has substantially complied, or will substantially comply, with all federal, State of North Carolina (State), and local laws, rules, regulations, and ordinances applicable to the project; and to federal and State grants and loans pertaining thereto; and
- That the Smithfield Town Council delegates to Michael L. Scott, Town Manager and successors so titled, is hereby authorized and directed to furnish such information as the State of North Carolina may request in connection with these project; to make the assurances as contained above; and to execute such other documents as may be required by the State of North Carolina

2. Approval was granted to adopt Resolution No. 747 (08-2024) accepting \$6,250,000 in state appropriated water infrastructure grants

TOWN OF SMITHFIELD
 RESOLUTION NO. 747 (08-2024)
 BY GOVERNING BODY OF RECIPIENT

WHEREAS, the North Carolina General Assembly's Session law (S.L.) 2023-134 Section 12.2 (e) allocated funding to assist eligible units of local government with meeting their drinking water and/or

wastewater and/or stormwater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality Division of Water Infrastructure will disburse funding in the amount of \$6,250,000 to perform the work detailed in the submitted applications, and

WHEREAS, the Town of Smithfield intends to perform said projects in accordance with the agreed scopes of work.

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

- That the Town of Smithfield does hereby accept the Water and Wastewater Direct Projects grants outlined in the North Carolina General Assembly's Session law (S.L.) 2023-134 Section 12.2 (e) offer of \$6,250,000; and
- That the Town of Smithfield does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Funding Offer and Acceptance (award offer) will be adhered to; has substantially complied, or will substantially comply, with all federal, State of North Carolina (State), and local laws, rules, regulations, and ordinances applicable to the project; and to federal and State grants and loans pertaining thereto; and
- That Michael L. Scott, Town Manager and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the North Carolina Department of Environmental Quality, Division of Water Infrastructure.

Business Items:

1. Consideration and request for approval to adopt Resolution No. 745 (06-2024) to submit a grant application for the College Pond Retrofit

Town Manager Michael Scott explained this project, originally on the consent agenda, would enable the Town to seek grant funds to modify the spillway at College Pond. The project included installing a mechanism that would monitor weather forecasts and, in the event of an impending hurricane or heavy rain, automatically lower the pond's water level. This preemptive drainage would help manage inflow during storms and reduce downstream flooding in Spring Branch. This initiative was identified as part of the Spring Branch project some time ago and was crucial. The Town had the opportunity to secure grant funds for it.

The reason for removing this item from the consent agenda was the projected cost has increased. Initially, the agenda listed the grant application amount as \$750,000. However, new projections received this week have revised the requested amount to \$866,874. This change in the funding request is the only modification from what was originally on the consent agenda.

Councilman Barbour made a motion, seconded by Mayor Pro-Tem Wood, to adopt Resolution No. 745 (06-2024) authorizing staff to submit a grant application for the College Pond Retrofit Project. Unanimously approved.

RESOLUTION NO. 745 (06-2024) BY GOVERNING BODY OF APPLICANT

WHEREAS, The Town of Smithfield, NC has need for and intends to construct, plan for, or conduct a study in a project described as College Pond CMAC Retrofit Project, and

WHEREAS, The Town of Smithfield, NC intends to request State loan and/or grant assistance for the project,

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

That Town of Smithfield, NC, the Applicant, will arrange financing for all remaining costs of the project, if approved for a state loan and/or grant award.

That the Applicant will provide for efficient operation and maintenance of the project on completion of construction thereof.

That the Applicant will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the Applicant agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Smithfield, NC to make a scheduled repayment of the loan, to withhold from the Town of Smithfield, NC any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

If applying for a regional project, that the Applicant will partner and work with other units of local government or utilities in conducting the project, including (not applicable).

That Michael Scott, Town Manager, the Authorized Representative and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a loan and/or grant to aid in the study of or construction of the project described above.

That the Authorized Representative, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, ordinances, and funding conditions applicable to the project and to Federal and State grants and loans pertaining thereto.

2. Consideration and request for approval to use contingency funds to replace the sewer line at the Talton Field restrooms and all Stuckey's Backhoe Services to perform the work

Parks and Recreation Director Gary Johnson addressed the Council on a request to replace the sewer line at Talton Field and allow Stuckey's Backhoe to perform the work. Mr. Johnson explained staff has been dealing with issues with the sewer line from the Talton Field Restrooms to the sewer main located in Buffalo Road. Because the sewer line was installed years ago, roots from the oak tree adjacent to the restrooms have grown into and creating blockages within the sewer line.

Town Manager Michael Scott explained that there was a \$10,000 surplus in the Parks and Recreation Capital Projects line; therefore, only \$5,000 of general fund contingency funds would be needed for this project.

Councilman Barbour made a motion, seconded by Councilman Rabil, to approve the request as submitted. Unanimously approved.

3. Consideration and request for approval to release funds not to exceed \$21,905 from the Downtown Smithfield Development Corporation (DSDC) for the lease of two billboard spaces on I-95

Town Manager Michael Scott explained that the DSDC was requesting the Town Council release \$21,905 from the DSDC Special Projects line for additional advertising, specifically to create at least two billboards—one facing north and one facing south—to attract people to the downtown area. The billboards would be located on I-95, near interchange 95. The total cost could range from \$20,000 to \$22,000, with a maximum of \$21,905. All expenses would be reimbursed through receipts before the funds are allocated.

Mayor Moore stated he was unsure if this constituted as a special project. He asked if Johnston County Visitor's Bureau had been asked to assist with this project. The Town Manager responded that 2% occupancy tax/tourism funds could be used for this project.

Councilman Barbour stated he was in favor of the billboards along I-95 to advertise for Downtown Smithfield.

DSDC President John Bilott explained the urgency for the request is due to the two billboards becoming available for rent.

Mayor Pro-Tem Wood made a motion, seconded by Councilman Barbour to approve the request using Tourism 2% funds. Unanimously approved.

4. S-24-01 Jubilee Creek Subdivision: CMH Homes Inc. is requesting approval of the preliminary plat of a 4.83-acre parcel (Johnston County Tax ID# 15I09034M), located southwest of the Galilee Road and Hwy 210 Intersection, adjacent to and north of the West Smithfield Elementary School into a 7-lot single-family residential subdivision.

Town Manager Michael Scott informed the Council that this item would need to be tabled until the May 7, 2024 meeting.

Councilman Barbour made a motion, seconded by Mayor Pro-Tem Wood, to table this item until the May 7, 2024 meeting. Unanimously approved.

Prior to item #5, Mayor Moore called for a five-minute recess.

5. FY 2024-2025 Continued Budget Discussion

i. Federal Grant Funding Opportunity – North Smithfield Fire Station

Town Manager Michael Scott explained that he was recently contacted by Congressman Wiley Nickel asking if the Town had any projects that might qualify for federal funding. After reviewing potential projects, the most impactful option was to request a grant for an additional fire station, which will be needed on the north side of Town, likely near Durwood Stevenson Parkway. The estimated cost was about \$4.1 million, based on a recent county fire station.

Fire Chief Jeremy Daughtry explained that based on call volume and locations of those calls, it would be beneficial to have an additional fire station on the north side of Town.

Councilman Scott made a motion, seconded by Councilman Barbour, to allow staff to move forward with the federal grant application for a new fire station on the north side of Town. Unanimously approved.

ii. Public Utilities

a. Water Plant

Public Utilities Director Ted Credle highlighted some line items in the Water Plant's proposed FY 24-25 budget. They are as follows:

- Training and Education – 36% increase due to an increase in state permitting fees.
- Telephone – 17% increase due to adding a stipend for an additional employee
- Vehicle Supplies and Maintenance – 25% increase due to the rising costs of parts
- Supplies & Operations – 9% increase due to rising chemical costs that are only sources from China/ Indonesia
- Transfer to Water/Sewer Capital Projects - \$625,000
 - \$400,000 for the East Smithfield water improvements
 - \$75,000 for plant intake improvements
 - \$150,000 for South Smithfield water improvements
- Capital Outlay – \$150,000 for rebuilds of the raw water and river pumps

Councilman Barbour questioned if there was any resolution to the water pressure issues in West Smithfield. Mr. Credle responded that staff has submitted a grant application for state funding for an elevated water tower.

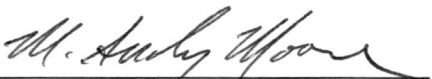
Councilman Scott questioned if there was any fund balance usage in this draft budget. Town Manager Michael Scott responded the \$150,000 of fund balance would be transferred to a Capital Project line for the future purchase of a vac truck for the Water/Sewer department.

Mayor Moore and Councilman Scott questioned the sand intake issues at the Water Plant. Mr. Credle explained the issues with sand intake and the measures staff has to take to ensure that it manageable.

Mayor Moore questioned what the \$75,000 would be used for in regards to the plant intake improvements. Mr. Credle explained that the Wooten Company completed the last river intake study back in 2013 or 2014 and he would prefer a second opinion.

Recess

Councilman Scott made a motion, seconded by Mayor Pro-Tem Wood, to recess the meeting on Monday, April 22, 2024 at 6:30 pm in the Council Chambers of the Town Hall. Unanimously approved. The meeting recessed at approximately 9:32 pm.


M. Andy Moore, Mayor



ATTEST:


Shannan L. Parrish, Town Clerk