

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

Councilmen Present:
Marlon Lee, District 1
Sloan Stevens, District 2
Travis Scott, District 3
Dr. David Barbour, District 4
John Dunn, At-Large
Stephen Rabil, At-Large

Councilmen Absent
Roger Wood, Mayor Pro-Tem

Administrative Staff Present
Michael Scott, Town Manager
Ted Credle, Public Utilities Director
Jeremey Daughtry, Fire Chief
Lawrence Davis, Public Works Director
Andrew Harris, Assistant Finance Director
Pete Hedrick, Chief of Police
Gary Johnson, Parks & Rec Director
Tim Kerigan, Human Resources
Shannan Parrish, Town Clerk
Greg Siler, Finance Director
Stephen Wensman, Planning Director

Also Present
Robert Spence, Jr., Town Attorney

Administrative Staff Absent

CALL TO ORDER

Mayor Moore called the meeting to order at 7:04 pm.

INVOCATION

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

APPROVAL OF AGENDA:

Councilman Barbour made a motion, seconded by Councilman Stevens, to approve the agenda with the following amendments. Unanimously approved.

Add to the Presentations

- 4. Proclamation: Declaring May 12th through the 18th as National Police Week in the Town of Smithfield
- 5. Proclamation: 5. Proclamation: Declaring May 5-11, 2024 Professional Municipal Clerks Week in the Town of Smithfield

Remove from the Consent Agenda:

- 6. Consideration and request for approval to award a bid in the amount of \$56,326.00 to Biggs Outdoor Services for Public Works grounds maintenance

Remove from the Business Items:

- 1. Consideration and request for approval to adopt Ordinance No. 518-2023 creating a Social District in Downtown Smithfield

PRESENTATIONS:

- 1. **2024 American Public Power Reliable Public Power Provider Platinum designation**
Public Utilities Director Ted Credle explained the Reliable Public Power Provider (RP3) program, awarded by the American Public Power Association, recognizes community-owned utilities for excellence in power reliability, workforce development, system improvement, and safety. Currently, 254 out of over 2,000 U.S. public power utilities hold this designation. The RP3 designation is valid for three years and involves a rigorous application process reviewed by an 18-member panel of national utility experts. To receive the designation, applicants must meet a minimum score. The Town of Smithfield achieved a Platinum Community status with a score of 95 out of 100. Congratulations to the electric utility for this outstanding accomplishment.
- 2. **Proclamation: Declaring May 5th through the 11th as Public Service Recognition Week in the Town of Smithfield**
Mayor Moore read the following proclamation into the record:

TOWN OF SMITHFIELD
PROCLAMATION
PUBLIC SERVICE RECOGNITION WEEK
MAY 5 – 11, 2024

WHEREAS, the residents of Smithfield, North Carolina, are served every day by public employees at the federal, state, and local levels of government; and

WHEREAS, each day the talented Town of Smithfield public employees work to keep the Town operating by ensuring proper management of municipal services and strategic implementation of public resources; and

WHEREAS, in often difficult circumstances, our public employees are the unsung heroes that protect and enhance the quality of life for our residents, businesses, and visitors; and

WHEREAS, the public employees of the Town of Smithfield are committed to exhibiting the highest standards of professional excellence, creativity, skill, and customer service; and

WHEREAS, Public Service Recognition Week has been celebrated the first week of May since 1985 to honor the men and women who serve our nation as federal, state, county, and local government employees.

NOW THEREFORE, I, M. Andy Moore, Mayor of Smithfield, along with the members of the Smithfield Town Council, do hereby proclaim the week of May 05 through May 11, 2024 to be Public Service Recognition Week and further extend appreciation to all of our Town employees, both full-time and part-time, as well as our volunteers, for the vital services they perform and their exemplary dedication to the Smithfield community.

3. Proclamation: Declaring May 19th through the 25th as Public Works Week in the Town of Smithfield

Mayor Moore read the following proclamation into the record:

TOWN OF SMITHFIELD
PROCLAMATION
PUBLIC WORKS RECOGNITION WEEK
MAY 19 – 25, 2024

WHEREAS, public works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life, and well-being of the people of the Town of Smithfield; and

WHEREAS, these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are responsible for improving our streets, enhancing the appearance of the Town, maintaining the Town's fleet, and maintaining the solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

WHEREAS, it is in the public interest for the citizens and civic leaders in the Town of Smithfield to gain knowledge of and maintain an ongoing interest and understanding of the importance of public works and public works programs in our community; and

WHEREAS, the year 2024 marks the 64th annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association.

NOW THEREFORE, I, M. Andy Moore, Mayor of Smithfield, along with the members of the Smithfield Town Council, do hereby proclaim the week of May 19–25, 2024, as National Public Works Week. I urge all citizens pay tribute to our public works employees and to recognize the substantial contributions they make to protecting our health, safety, and advancing quality of life for all.

4. Proclamation: Declaring May 12th through the 18th as National Police Week in the Town of Smithfield

Mayor Moore read the following proclamation into the record:

TOWN OF SMITHFIELD
PROCLAMATION
NATIONAL POLICE WEEK
MAY 12 – 18, 2024

WHEREAS, National Police Week in America was created to honor and recognize the sacrifice and contributions made by police officers in communities both large and small; and

WHEREAS, National Police Week, held every year in May, was created in 1962 through a proclamation issued by then-President John F. Kennedy; and

WHEREAS, our community will always appreciate and commend the risks police officers take every day to ensure our community's laws are properly enforced and that public safety is ensured; and

WHEREAS, now more than ever, the community also appreciates and encourages the community involvement facilitated by our police officers to both better serve and instill mutual trust, camaraderie, and positive relationships among our increasingly diverse population in the Town of Smithfield; and

WHEREAS, police engage with and serve the public in the most varied and wide-ranging manner, and their efforts do not go unnoticed.

NOW THEREFORE, I, M. Andy Moore, Mayor of Smithfield, along with the members of the Smithfield Town Council, do hereby proclaim the week of May 12–18, 2024, as National Police Week in the Town

of Smithfield and encourage all residents to join the Town Council in the recognition of the services, sacrifices, and efforts the Smithfield Police Department makes to best serve our community.

5. Proclamation: Declaring May 5-11, 2024 Professional Municipal Clerks Week in the Town of Smithfield

Mayor Moore presented the following proclamation to Town Clerk Shannan Parrish:

TOWN OF SMITHFIELD
PROCLAMATION
55th ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK
MAY 5-11, 2024

WHEREAS, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

WHEREAS, The Office of the Professional Municipal Clerk is the oldest among public servants; and

WHEREAS, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing body and agencies of government at multiple levels; and

WHEREAS, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

WHEREAS, The Professional Municipal Clerk serves as the information center of functions of local government and the community.

WHEREAS, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, county and international professional organizations.

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

BE IT RESOLVED, that I, Andy Moore, Mayor of Smithfield, do hereby proclaim the week of May 05 through May 11, 2024 to be Professional Municipal Clerks Week and further extend appreciation to our Professional Municipal Clerk, Shannan Parrish, and to all the Professional Municipal Clerks for the vital services they perform and their exemplary dedication to communities they represent.

PUBLIC HEARINGS: None

CITIZEN'S COMMENTS:

- James Coleman expressed his appreciation to Gary Johnson and the Parks and Recreation Department for replacing the driving mats at the Aquatic Center. He stated that Parks and Recreation make living in the community truly enjoyable.
- Phyllis Palmer, residing at 105 York Berry Drive in Clayton and a former resident of Oak Street and Pine Acres, addressed the Council. She requested the restoration of the historical accuracy of Oak Street in the Pine Acres neighborhood.
- Jamie Blackwood expressed support for community growth but raised concerns about the upcoming housing and light industrial development projects. As a retired fire chief, he emphasized the need for increased firefighters and a new station in the Brightleaf area near Walmart. He also questioned whether law enforcement protection would be enhanced to meet the demands of growth, suggesting that businesses moving into the area could help fund necessary resources.
- Luke Gray addressed a traffic safety concern. He noted that many roads have worn away striping, which was critical for safety, especially given the increasing traffic volume. He highlighted that Outlet Road was particularly problematic as it was very dark at night with no visible lines, making it easy for even local residents to accidentally drive into a ditch. He emphasized the importance of addressing these safety issues.
- Richard Buckner expressed concerns about the potential growth on Buffalo Road and how it would impact the area schools. He asked the Council to consider the impacts to traffic and schools with any new growth.

CONSENT AGENDA:

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

1. Minutes
 - a. March 19, 2024 – Regular Meeting
 - b. March 19, 2024 – Closed Session

- c. April 2, 2024 – Regular Meeting
 - d. April 2, 2024 – Closed Session
 - e. April 11, 2024 – Recessed Meeting
2. Special Event: Bike Night – Approval was granted to allow the Bulldog’s Harley - Davidson to hold and event at 1043 Outlet Center Drive on Thursday, May 9, 2024 from 5:00pm until 8:00 pm. Also approved was amplified sound, a food truck and merchandise for sale.
 3. Special Event: Test Ride Days – Approval was granted to allow the Bulldog’s Harley - Davidson to hold and event at 1043 Outlet Center Drive on Saturday, May 11, 2024 from 12:00pm until 5:00 pm. Also approved was amplified sound, a food truck and merchandise for sale.
 4. Special Event: Spring Carnival – Approval was granted to allow Inner Shows, Inc. to hold a Carolina at the Carolina Premium Outlets from May 10th through the 26th.
 5. Special Event: May General Membership Meeting – Approval was granted to allow the Johnston County Building Industry Association to hold an event with amplified sound at 301 Bridge Street on Tuesday, May 14, 2024 from 5:30 pm until 8:30 pm.
 6. Special Event: Red Cross Blood Drive – Approval was granted to allow the Bulldog’s Harley - Davidson to hold and event at 1043 Outlet Center Drive on Tuesday, May 21, 2024 from 12:00 pm until 5:00 pm. Also approved were amplified sound, a food truck and merchandise for sale.
 7. Special Event: Memorial Day Event – Approval was granted to allow the Bulldog’s Harley - Davidson to hold and event at 1043 Outlet Center Drive on Saturday, May 25, 2024 from 11:00 am until 5:00 pm. Also approved were amplified sound, a food truck, vendor sales.
 8. Special Event: Father’s Day Cookout – Approval was granted to allow Omar McKnight to hold an event at Smith-Collins Park on Sunday, June 16, 2024 from 9:00 am until 9:00 pm. Also approved was amplified sound beginning at 2:00 pm.
 9. Special Event: August General Membership Meeting – Approval was granted to allow the Johnston County Building Industry Association to hold an event with amplified sound at 301 Bridge Street on Friday, August 2, 2024 from 5:30 pm until 8:30 pm.
 10. Approval was granted to promote two Firefighters with the rank of Firefighter II to the rank of Fire Engineer.
 11. Approval was granted to promote a Sanitation Worker to a Sanitation Equipment Operator.
 12. Resolution No. 748 (09-2024) was adopted awarding a service badge and service weapon to retiring Police Lieutenant Terry West

TOWN OF SMITHFIELD
 RESOLUTION NO. 748 (09-2024)
 AWARDING BADGE AND SERVICE WEAPON TO
 RETIRING POLICE LIEUTENANT TERRY WEST

WHEREAS, NCGS § 20-187.2 provides that retiring members of municipal law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service with the municipality; and

WHEREAS, NCGS § 20-187.2 further provides that the governing body of the municipal law enforcement agency may, in its discretion, award to a retiring member the service weapon of such retiring member; and

WHEREAS, Police Lieutenant Terry West has served as a sworn law enforcement officer in North Carolina for almost 30 years with more than twenty of those years as a member of the Smithfield Police Department. Lieutenant West will be retiring from the Smithfield Police Department on July 1, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council do hereby declare the service firearm (Glock 45, Serial Number BSTD928) and badge used by Lieutenant Terry West during his service with the Town of Smithfield as surplus property and be awarded to him at a cost of \$1.00 on his retirement.

13. Resolution No. 749 (10-2024) was adopted setting the date for the public hearing on May 21,2024 to consider the contiguous Annexation petition (ANX-24-01) submitted by SST Properties (SAMET) to annex 15.26 acres into the Town of Smithfield.

TOWN OF SMITHFIELD
 RESOLUTION No. 749 (10-2024)
 FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION
 PURSUANT TO G.S. 160A-31

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

WHEREAS, the Town Council has by Resolution No. 744 (05-2024) directed the Town Clerk to investigate the sufficiency of the petition; and

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

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

Section 1: A public hearing on the question of annexation of the area described herein will be held in the Council Chambers of the Town Hall located at 350 East Market Street, Smithfield North Carolina at 7:00 pm on May 21, 2024.

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

SST PROPERTIES, LLC ANNEXATION - LAND DESCRIPTION

ALL THAT CERTAIN PARCEL OF LAND LYING IN JOHNSTON COUNTY, NORTH CAROLINA BEING THE WESTERN PORTION OF THE PREMISES SHOWN IN PB 67 PG 40 TITLED "RECOMBINATION MAP FOR JOSEPH IRA LEE, JR. HANNAH RUTH JOHNSON LEE" AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING IRON PIPE AT THE NORTHERNMOST CORNER OF LOT 9 WESTVIEW SUBDIVISION RECORDED IN PB 14 PG 119 AND IN THE COMMON LINE OF LOT 2 OF A MAP TITLED "RECOMBINATION PLAT RDU2" RECORDED IN PB 93 PG 241 AND THE WEST LINE OF LAND SHOWN IN PB 67 PG 40 AND WITH SAID COMMON LINE RUNS;

THENCE, N 02°01'53" E A DISTANCE OF 828.46' AN EXISTING IRON PIPE AT A COMMON CORNER OF PB 93 PG 241 AND PB 67 PG 40, AND RUNS;

THENCE, S 89°00'24" E A DISTANCE OF 576.84' TO AN EXISTING IRON PIPE AT A COMMON CORNER OF PB 93 PG 241 AND PB 67 PG 40, AND RUNS;

THENCE, N 01°43'58" E CROSSING AN IRON PIPE AT THE CORNER OF LOT 1 OF PB 93 PG 241 AT 363.45' AND CONTINUING FOR A TOTAL DISTANCE OF 883.39' TO AN EXISTING IRON PIPE IN LANDS DESCRIBED IN DB 1897 PG 945 NOW OR FORMERLY IN THE NAME OF HEATH STREET #215 LIMITED PARTNERSHIP AND RUNS;

THENCE, S 88°59'06" E A DISTANCE OF 816.01' WITH HEATH STREET TO AN EXISTING IRON PIPE IN LANDS DESCRIBED IN DB 5184 PG 467 NOW OR FORMERLY IN THE NAME OF KALSBECK, AND RUNS;

THENCE, THROUGH SAID PARCEL OF LAND SHOWN IN PB 67 PG 40, S 40°39'47" W A DISTANCE OF 2,223.28' THE POINT AND PLACE OF BEGINNING AND HAVING AN AREA OF 680,683 SQUARE FEET, OR 15.626 ACRES to be the same MORE or LESS.

Section 3: Notice of the public hearing shall be published once in the Johnstonian News, a newspaper having general circulation in the Town of Smithfield, at least ten (10) days prior to the date of the public hearing.

14. Approval of a contract with Bartlett Tree Experts in the amount of \$8,000 to conduct a street tree inventory in the Town to be paid with Appearance Commission funds.

15. Bid was awarded to Barnes Cleaning Company in the amount of \$56,278.56 for janitorial services. Bids received are as follows:

- Barnes Cleaning Co. \$56,278.56
- Janitize America of Raliegh \$62,399.16
- Tarheel Cleaning Company. \$69,000.00

16. Bid was awarded to Heat Transfer Solutions in the amount of \$6,648.48 for HVAC Services. Bids received were as follows:

- Heat Transfer Solutions \$6,684.48
- Dail Mechanical, Inc \$15,000.00
- Carolina Comfort \$15,896.52
- Envirotrol, LLC \$26,736.00

17. Bid was awarded to Vision, NC in the amount of \$31,200.00 for water valve assessment services. Bids received were as follows:

- Vision, NC \$31,200.00
- Hydro Jetters \$37,000.00
- IES Contractors \$38,550.00
- ESI Consultants \$45,000.00

18. Bid was awarded to Stuckey's Backhoe Services in the amount of \$119,785.00 for the East Smithfield Water System Improvements. Bids received were as follows:

- Stuckey's Backhoe Services \$119,785.00
- Nixon Contracting Company \$136,604.95
- Corbett Contracting, Inc. \$181,115.00

19. New Hire Report

Recently Hired	Department	Budget Line	Rate of Pay
Athletic Programs Supervisor	P&R – Recreation	10-60-6200-5100-0200	\$22.01/hr. (\$45,780.80/yr.)

Firefighter II	Fire	10-20-5300-5100-0200	\$21.16/hr. (\$46,213.44/yr.)
Part-Time Firefighter	Fire	10-20-5300-5100-0210	\$17.60/hr.
Part-Time SRAC Instructor (3)	P&R – Aquatics	10-60-6220-5100-0230	\$12.00/hr.
Part-Time Pool Instructor (2)	P&R – Aquatics	10-60-6220-5100-0230	\$15.00/hr.
Part-Time SRAC General Staff	P&R – Aquatics	10-60-6220-5100-0210	\$10.00/hr.
Part-Time SRAC General Staff(3)	P&R – Aquatics	10-60-6220-5100-0210	\$12.00/hr.

<u>Current Vacancies</u>	<u>Department</u>	<u>Budget Line</u>
Aquatic Center Supervisor	P&R - Aquatics	10-60-6220-5100-0200
Firefighter	Fire	10-20-5300-5100-0200
IT Director	IT	10-10-4300-5100-0200
		30-71-7220-5100-0200
		31-72-7230-5100-0200
Police Officer (9)	Police	10-20-5100-5100-0200
Pump Station Mechanic	PU – Water/Sewer	30-71-7220-5100-0200

BUSINESS ITEMS:

1. Buffalo Road Rezoning Request (CZ-23-01)

Town Manager Michael Scott reminded the Council that at last month’s meeting, the Council chose to table a decision on this matter following the public hearing. After speaking with the applicant, they assured the Town Manager they would be ready to provide the Council with an updated plan by the July meeting.

Councilman Scott made a motion, seconded by Councilman Barbour, to table the Buffalo Road Rezoning Request (CZ-23-01) until the June 4, 2024 Town Council meeting. Unanimously approved.

2. Preliminary Plat Request: Jubilee Creek Subdivision (S-24-01): 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 reminded the Council this issue was initially brought before you on April 2nd. At that meeting, Councilman Barbour moved, and Councilman Dunn seconded, to deny the request based on findings that it was inconsistent with the adopted comprehensive growth plan. You voted to deny the request. The April 2 meeting was recessed until April 11. At the April 11 meeting, a motion was made to reconsider the vote, which passed putting the original motion back on the floor. Since then, the developer requested a delay until they could be present to address any questions, as did the Council. Now that the developer and their attorney, Mr. Morris, are present and wish to add comments, it is recommended that Councilman Barber rescind the current motion, with Council's agreement. This would reopen the public hearing to allow additional input from the developer and their representative.

Councilman Barbour made a motion, seconded by Councilman Stevens, to rescind the original motion. Unanimously approved.

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

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

Planning Director Stephen Wensman testified the proposed site was for a seven-lot single-family home subdivision. It became a major subdivision because it included more than three lots. Two lots in the southwest corner were previously developed as a minor subdivision. To continue developing the land, a major subdivision process was required, leading to tonight’s discussion. The subdivision was straightforward, featuring septic lots and public water, meeting R-20A standards. The initial denial was due to the first finding of fact, with the recommended condition being a five-foot concrete sidewalk along NCDOT frontages.

Town Manager Michael Scott requested the Council to revisit the findings of fact. He emphasized the importance of addressing and voting on all four findings, not just the first one, as was previously done. Scott asked the Council to ensure that each finding is considered and voted on, either separately or together, in this setting.

Mayor Moore asked if there was anyone that wished to testify during the public hearing

Samuel Morris from Longleaf Law Partners, representing the applicant and property owner, provided the following summary:

He requested the inclusion of the UDO, town plan, staff report, and application in the record. The case concerned a proposed seven-lot single-family subdivision, now classified as a major subdivision due to its size. The subdivision features septic lots and public water, meeting R-20A standards. The initial denial was based on finding of fact number one, with a condition for a five-foot sidewalk along NCDOT frontages. He emphasized the need to consider all four findings of fact for a comprehensive review.

Morris argued that the subdivision meets standards two, three, and four, as confirmed by the staff report. The primary issue is whether the subdivision is consistent with the town’s adopted policies, not just the future land use map, which is more relevant to rezonings. He cited a 2012 North Carolina Court of Appeals case, asserting that if a use is allowed by current zoning, it should be presumed consistent with the comprehensive plan.

The current zoning is R-20A, allowing single-family homes by right. Despite potential inconsistencies with the future land use map, Morris argued that the overall consistency with the town's policies should be the focus. He highlighted several policies supporting low-density, single-family residential development and pointed out the lack of sewer capacity in the area, which supports low-density use.

In conclusion, Mr. Morris requested approval of the subdivision, believing it met all necessary standards. The engineer was present to answer any questions. The Engineer for the project testified that they were agreeable to the sidewalks along NCDOT roadways and the fencing adjacent to West Smithfield Elementary School.

Councilman Barbour expressed concerns about the importance of the Comprehensive Growth Plan. He emphasized that if the plan is important, it should be used consistently to approve or disapprove projects. If it isn't used, it undermines its purpose. The plan was crucial for long-term strategic planning, and significant time and effort are spent developing it.

The Engineer for the project testified that they were agreeable to the sidewalks and the fencing adjacent to West Smithfield Elementary School.

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

Councilman Barbour questioned if the Council could approve this request, if one of the four finds of fact was found to be inconsistent with the Comprehensive Growth Plan. Town Attorney Bob Spence responded that frequently rezonings present conflicts or changes in the plan because growth often doesn't happen exactly as anticipated when the plan was created five years ago. The statute requires updating the plan every time a subdivision is approved or completed. This means the plan would change to reflect new developments.

Mr. Wensman stated that the Council could add to its motion to amend the Comprehensive Growth Plan. The statement could say the plan was consistent with the adopted plans and policies of the town as the comprehensive plan was hereby amended.

Councilman Scott stated he wanted the record to reflect that the sidewalks and the fencing were agreed upon by the developer.

Finding of Facts:

Councilman Stevens made a motion, seconded by Councilman Dunn, to approve Finding of Fact number one stating the plat was consistent with the adopted plans and policies of the town as the comprehensive plan was hereby amended. Unanimously approved.

Councilman Barbour made a motion, seconded by Councilman Dunn, to approve Finding of Fact numbers two through four as listed below. Unanimously approved.

2. The plat complied with all applicable requirements of this ordinance;
3. There existed adequate infrastructure (transportation and utilities) to support the plat as proposed.
4. The plat will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

Councilman Stevens made a motion, seconded by Councilman Dunn, to approve preliminary plat S-24-01 based on the four finding of fact with the 2 additional conditions. Unanimously approved.

Approved Conditions:

1. That there be 5' wide concrete sidewalk constructed along the NCDOT road frontages.
2. That a screening fence be installed along the common property line with West Smithfield Elementary School.

3. 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

Town Manager Michael Scott reminded the Council that the public hearing had been conducted. However, because the application was incomplete, the Council decided to table making a decision on the matter.

Planning Director Stephen Wensman briefly explained that the two properties in question, located across from the Johnson County Regional Airport, were previously part of a PUD plan by Blue Line Aviation that was not developed. The broker wants to rezone the properties to light industrial to market them for sale. The area to the south is already light industrial, so this would not be an isolated industrial parcel. The properties are annexed into the Town of Smithfield.

The smaller property was a residential lot, with the house being demolished last year, and the larger parcel was vacant and part of the previous rezoning proposal. The entire area is designated for light industrial use. Staff finds the rezoning request consistent with the Comprehensive Plan, the Unified Development Code, and compatible with surrounding land uses.

Councilman Stevens expressed concerns about rezoning the property to light industrial due to the nearby

homes. Mr. Wensman responded that most light industrial uses typically do not create nuisances. Additionally, he noted that the home referenced by Councilman Stevens would not be negatively impacted due to the types of approved uses and the distance between the properties.

Councilman Scott questioned if the property were rezoned to light industrial would buffer be required between the rezoned property and existing properties. Mr. Wensman responded that a buffer would be required.

Councilman Stevens further expressed concerns about the property being rezoned to light industrial because there was not a current plan for the property. Mr. Wensman responded that it had been his experience that most light industrial uses are seeking land that has already been rezoned so they can develop the land quickly. By proactively rezoning the land to light industrial, the property owner can market it as such.

Councilman Barbour stated he understood why they wanted to rezone the property and personally think it's a reasonable request to help market it. However, I also understand concerns about losing control over the property. The planning department has regulations in place, and if our Unified Development Ordinance (UDO) isn't sufficient to protect us, it's our responsibility to fix it. If the UDO is inadequate, it's our fault, not theirs, and we need to address it. The purpose of the UDO is to avoid the need for frequent meetings and ensure builders have clear guidelines. If the UDO wasn't effective, we would have to rely on conditional zoning instead. The traditional zoning system, supported by the UDO, is meant to streamline this process and provide necessary protections without the need for constant oversight.

Councilman Barbour made a motion, seconded by Councilman Scott, to recommend approval of zoning map amendment, RZ-24-01, finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.

Councilman Barbour, Councilman Scott and Councilman Rabil voted in favor of the motion. Councilman Lee, Councilman Stevens and Councilman Dunn voted against the motion. Mayor Moore cast the deciding vote in favor of the motion. Motion passed four to three.

4. FY 2024-2025 Budget Discussion

This item was not discussed

Councilmembers Comments:

- Councilman Scott commended the town's electrical department for their proactive approach, including conducting surveys, upgrading equipment, and efficiently managing power outages with advance notice to residents. He expressed gratitude for their work and the town's utility service. Additionally, he thanked Mr. Terry West for his dedicated service to the town as he retires, wishing him the best.
- Councilman Stevens thanked the DSDC for organizing the successful Ham and Yam Festival, noting it was one of the largest attended in years with plenty of food and vendors. He looked forward to building on this year's success. He also mentioned South Smithfield Elementary's Walk to School Day tomorrow, encouraging town staff and citizens to join at 8:00 AM to promote exercise and health among young children.
- Councilman Lee Councilman Lee extended condolences to the family of Alan Eason, a notable community member who passed away on his 80th birthday. Lee highlighted Eason's contributions to the Pine Acres community and Smithfield at large.

Councilman Lee also addressed a significant sewage spill on March 28 at 702 Blount Street, where over 13,000 gallons spilled due to town staff negligence. He urged the town to address the resident's ongoing issues caused by the spill, especially the persistent odors after rain.

He praised Fire Chief Daughtry, his staff, and the police for their efforts during recent heavy rains that caused widespread flooding. Lee called for immediate action to address the town's flooding issues, emphasizing the need for solutions beyond discussions, particularly for East and West Streets.

Lastly, Lee expressed concern for the safety of the customer service representative in the town hall, suggesting the installation of protective measures, such as glass barriers and locked doors, to ensure her safety while dealing with upset residents.

- Councilman Barbour Councilman Barbour shared two updates. First, he praised Fire Chief Jeremy Daughtry for his excellent coordination of the recent SkillsUSA event, highlighting its smooth execution and the successful participation of 137 contestants. Second, he recounted an incident where a neighbor's tree limb fell onto power lines, causing a hazardous situation. The fire department, led by Jeremy Daughtry, promptly assisted by removing the tree, allowing the neighbor, a single mother, to access her driveway. Barbour emphasized the commendable actions of town staff, fire department, and law enforcement, urging everyone to express their appreciation for these individuals who go above and beyond in their duties.
- Mayor Moore echoed Councilman Stephens' positive comments about the Ham and Yam Festival, noting it was fantastic and well-attended with many vendors and visitors, including those from out of county and out of state. He praised the event as a great showcase for the town and commended Councilman Stephens for his efforts. Mayor Moore also thanked the town staff, downtown development, local businesses, the police department, fire department, public works, and the electrical department for their contributions.

Town Manager's Report:

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

- Pickle Ball Court Ribbon Cutting is May 18th at 8:45 AM
- Jackie Ray Bryant Walking Trail Ribbon Cutting is May 23rd at 3:00 PM
- May 17th is the next Concert at the Amphitheater headlining "Trial by Fire." A Journey Tribute Band.
- Outlet Center Drive has been restriped for safety reasons.
- NCDOT is creating a schedule for the restriping of Highway 301, from the Selma Town limits to Market Street. The restriping will likely occur at night and may require assistance from the police department for traffic direction and safety.

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

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

Reconvene in Open Session

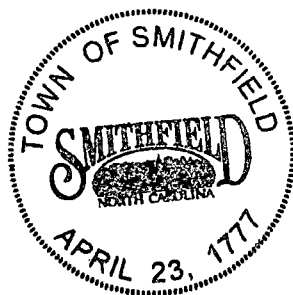
Councilman Scott made a motion, seconded by Councilman Dunn, to reconvene the meeting in Open Session. Unanimously approved at approximately 9:30 pm


Recess

Councilman Barbour made a motion, seconded by Councilman Dunn to recess the meeting until Monday, May 13 at 6:30 pm in the Town Hall Council Chambers. The meeting adjourned at approximately 9:31 pm.

ATTEST:


Shannan L. Parrish, Town Clerk




M. Andy Moore, Mayor