

The Smithfield Town Council reconvened its November 12, 2019 meeting on Thursday, November 14, 2019 at 6:30 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor Pro-Tem Travis Scott presided.

Councilmen Present:

Travis Scott, Mayor Pro-Tem
David Stevens, District 2
Dr. David Barbour, District 4
John A. Dunn, At-Large
Stephen Rabil, At-Large

Councilmen Absent

M. Andy Moore, Mayor
Marlon Lee, District 1
Emery Ashley, At-Large

Administrative Staff Present

Michael Scott, Town Manager
Gary Johnson, Parks and Recreation Director
Shannan Parrish, Town Clerk
Stephen Wensman, Planning Director

Present:

Administrative Staff Absent

CALL TO ORDER

Mayor Pro-Tem Scott reconvened the November 12, 2019 meeting at 6:30 pm.

BUSINESS ITEM:

1. Discussion Concerning the naming of Booker Dairy Road recently renamed Ava Gardner Avenue

Town Manager Michael Scott explained at the October regular Town Council meeting, the Town Council renamed the road connecting Highway 301 North to Buffalo Road as Ava Gardner Avenue. The Town Council recently received a letter from the Ava Gardner Museum Board asking the Council to reconsider their decision stating there was no known connection between Ava Gardner and this geographical location. They felt renaming this road in her honor would be inappropriate.

Mayor Pro-Tem Scott asked the Town Manager to explain the plan the extension of the existing Booker Dairy Road. The Town Manager explained at the November 12th meeting, the Council was presented with the Town's Comprehensive Growth Plan and Transportation Plan. The properties around the new road are going to develop rather quickly. It has always been the plan to extend Booker Dairy Road north to Buffalo Road as access for these newly developed properties. It becomes problematic when there are so many roads in different directions named the same. It has always been staff's recommendation to name the entire roadway from Buffalo Road easterly to US 301 North as one name. For wayfinding purposes, it would be better for the road from Highway 70 West (currently M. Durwood Stephenson Highway) easterly to US 301 North be named one name. Since M. Durwood Stephenson Highway is a state road, the Town cannot rename that road. The Town Manager did contact NCDOT and Mr. Stephenson to determine if they were agreeable to naming the whole corridor M. Durwood Stephenson Highway. He further questioned if both would be agreeable to the corridor being named M. Durwood Stephenson Parkway. They were agreeable to either of those names.

Councilman Stevens asked for Dr. John Booker's opinion on the matter since Booker Dairy Road was named after his family. Dr. Booker explained the original road was named Booker Dairy because Booker's Dairy used to be located where Lowe's Home Improvement is currently located. Dr. Booker was in favor of reaming the road from Buffalo Road to the light at Booker Dairy Road back to Booker Dairy Road (at the October Council meeting this portion along with the new section was named Ava Gardner Avenue). Dr. Booker said there were advantages to those portions of the road being named Booker Dairy Road because it has always been that way.

Mayor Pro-Tem Scott asked Dr. Booker if he would be agreeable to the north-south direction to be named Booker Dairy Road. Dr. Booker responded there was no guarantee that road would ever be built.

Councilman Stevens stated if property owners are ready to start developing then the north-south section of roadway would be built sooner rather than later. Dr. Booker stated a lot of citizens of the Town already have an attachment to Booker Dairy Road and its name.

Sonny Howard stated it would be an injustice to the Booker family to change the name of the road to anything other than Booker Dairy.

Mayor Pro-Tem Scott stated his biggest concern was emergency response because one of the biggest problems were address errors. He worried that too many roads with the same or similar name would cause confusion for emergency response personnel.

Councilman Barbour stated the Council chose to rename the roadway Ava Gardner Avenue from Buffalo Road easterly to US 301 North. The Council also chose to keep the north- south section of Booker Dairy Road as Booker Dairy Road. The properties located in the curve which have become detached from Booker Dairy have been renamed to Old Booker Dairy Road. The Council chose this to preserve the history and significance of Booker Dairy and the Booker Family. Councilman Barbour further stated the average citizen in Smithfield does not know the significance of the name of the road. They simply want to drive on one road with the same name. The Council has the opportunity now to poise itself for growth and provide continuity with its roads.

Councilman Dunn stated his GPS was smart enough to tell him when a road's name changed. He understood concerns about emergency response, but he maintained that Booker Dairy Road had historical significance. He was not in favor of changing the road to one name. He understood the confusion it would cause, but he was not in favor of changing the name to any other name than Booker Dairy Road.

Councilman Stevens stated he struggled with making a decision because the road has always been named Booker Dairy Road.

Mayor Pro-Tem Scott made a motion, seconded by Councilman Barbour, to name the portion of roadway (renamed Ava Gardner Avenue at the October Council meeting) from Buffalo Road traveling easterly to US 301 North to M. Durwood Stephenson Parkway. Included in the motion was to ask NCDOT for consideration to rename M. Durwood Stephenson Highway to M. Durwood Stephenson Parkway. Mayor Pro-Tem Scott and Councilman Barbour voted in favor of the motion. Councilman Dunn, Councilman Rabil and Councilman Stevens voted against the motion. Motion failed 2 to 3.

Councilman Dunn made a motion, seconded by Councilman Rabil, to rename the portion of roadway (renamed Ava Gardner Avenue at the October Council meeting) from Buffalo Road to the newly installed traffic signal; Booker Dairy Road. From the traffic signal turning southward would remain Booker Dairy Road. From the traffic signal heading eastward to US 301 North, the roadway would be renamed Booker Dairy Road Extension. There would no longer be an Ava Gardner Avenue.

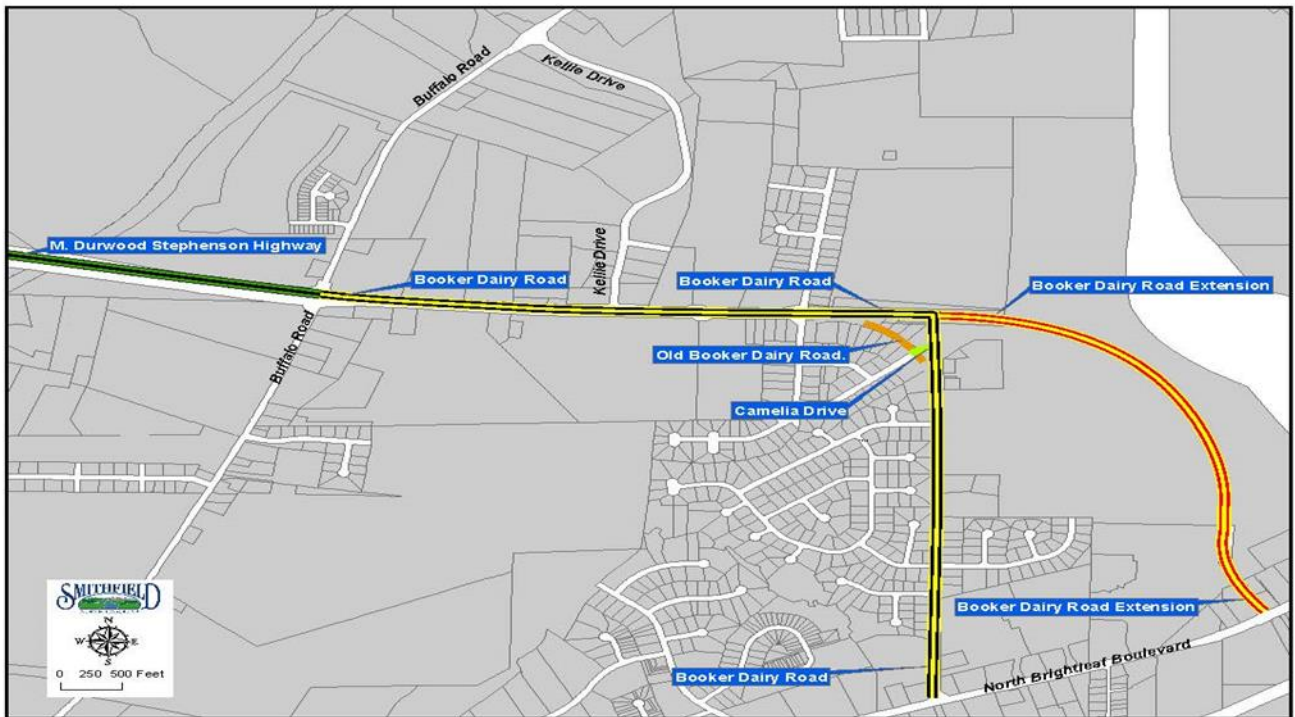
Councilman Barbour stated when the road from the newly installed traffic signal northward to Buffalo Road is constructed, that road would have to be named something entirely different. He reminded the Council they needed to think about the future growth of the Town.

Councilman Rabil stated there were a lot of streets in Town that had different names based on which way you navigated an intersection. Planning Director Stephen Wensman explained this would be a collector road and that was much different than an intersection.

Mayor Pro-Tem Scott reiterated his concerns about the confusion it would cause and confusion for emergency response.

With a motion and a second on the floor, Mayor Pro- Tem Scott called for a vote.

Councilman Dunn, Councilman Rabil and Councilman Stevens voted in favor of the motion. Mayor Pro-Tem Scott and Councilman Barbour voted against the motion. Motion passed 3 to 2



2. Discussion concerning the proposed RV Park Conditions

Town Manager Michael Scott informed the Council that he has received an email from the attorney representing the McLamb's concerning the proposed conditions for the RV Park that Council approved on Tuesday, November 12th. After discussing this matter with Town Attorney Bob Spence, he felt it was best to try and resolve the issue at this meeting.

Below are the thirteen conditions with changes from the McLamb's and their attorney denoted in red:

- There shall be no stacking of vehicles for the RV Park onto Magnolia Drive
 1. The entrance drive (guest stacking area to the looped road) shall be paved with cement or asphalt.
 2. The outside loop drive shall consist of a stone/all-weather surface.
 3. A 50-foot, ~~opaque landscape~~ buffer shall be provided with an opaque fence between the properties of Pine Acres subdivision and the RV Park comprised of new plantings and existing trees and shrubs when available to be maintained by the RV Park Operator.
 4. The existing drainage ditch shall be maintained by the RV park operator.
 5. The applicant agrees to comply with the RV Park Requirements in the Town's current Unified Development Ordinance.
 6. A maximum of fifteen (15) percent of total park spaces are allowed to be used for long term renters longer than twelve months.
 7. The RV park operator shall provide on-site, 24-hour human staff that can summon law enforcement or emergency services, should the need arise.
 8. The RV Park operator shall install and maintain fire hydrants as directed by the local Fire Marshal.
 9. **Commercial** Ingress and egress to the RV Park will be routed through the existing roadways known as Venture Drive and Magnolia Drive. No **commercial** access to the RV Park will be provided through the adjacent Pine Acres subdivision. Traffic through the adjacent Pine Acres subdivision shall be limited to **construction public** utilities and emergency services. The RV Park operator shall install a knock down gate in the buffer fence to accommodate ingress and egress for **construction, utilities** and emergency use

and ~~public utility access only~~. The RV park operator shall maintain the emergency access drive free from obstructions.

10. The RV Park Operator shall ~~post and~~ enforce ~~its own internal~~ quiet hours ~~between the hours of 10:00 pm and 8:00 am~~ and shall abide by the Town's noise ordinances each day of the week.
11. The perimeter of the RV property adjacent to the residential properties of Pine Acres shall have an ~~opaque black 6'~~ chain link fence, ~~powder coated and covered with an opaque mesh fence of a six, foot design~~ that is located at ~~approximately 15~~ at least 10 feet off the Pine Acres property line. The fence will be of a design to provide spatial buffering between adjoining residential uses and discourage pedestrian travel between the RV Park and the adjoining Pine Acres subdivision.
12. Vehicular parking shall be allowed only in areas designated as such on the approved site plan.

The Town Manager explained McLamb's and their attorney agreed to conditions 1, 2,3,5,6,7,8,9 and 13.

In condition 4, they asked to have the words "opaque landscape" be removed. Councilman Rabil questioned if that language was in the court proceedings. The Town Manager read the following from the court proceedings "the *petitioner would not disturb a 50-foot buffer with mature pine trees between the proposed development and the adjoining property. Additionally, petitioner plans to plant additional shrubs and erect a 6-foot opaque fence between the proposed development and the adjoining neighborhood.*" Planning Director Stephen Wensman stated he believe the objection to this condition was because the landscape may not always be opaque based on the season.

In condition 10, they asked for commercial to be added and construction to be added. This would allow them to use the knock down gate entrance for construction. The Town Manager explained the testimony they relied on never mentioned this entrance would be used for construction. Mayor Pro-Tem Scott stated this should not be changed from what the Council previously agreed upon out of consideration for the Pine Acres neighborhood. Councilman Dunn questioned their rationale for removing the word "public"? The Town Manager responded they provided no rationale. Mayor Pro-Tem Scott stated this entrance should be used for emergencies only. Mr. Wensman responded they had to provide access to Duke Energy Progress's utilities. Mayor Pro-Tem Scott stated if the Council allowed construction access, there would be construction vehicles in the subdivision every day. Councilman Stevens stated that while he understood not allowing construction vehicle to access the property via Pine Acres, he felt it would only be used for construction purposes for a limited amount of time. Councilman Barbour stated the Council should not allow for construction vehicles to use the access through Pine Acres because he didn't want the citizens to be any more disturbed.

On Condition 11, they asked that the quiet hours be set in accordance with the Town's noise ordinance. The Town Manager explained the Police Department would follow the Town's Ordinance of 7 am until 9pm for construction noise and 11 pm until 8 am as night time hours.

On condition 12, thy reworded it and returned to the installation of the 6 foot powder coated opaque fence to 10 feet of the Pine Acres property line. The Town Manager explained the 15 feet the Council previously approved would be a problem for maintenance of the ditch.

Mayor Pro-Tem Scott questioned if staff was clear on the direction of the Council. Town Manager Michael Scott reviewed the following recommendations on the Council.

- Condition 4: The Council was in agreement with removing the words "opaque landscape".
- Condition 10: The Council was in agreement that the wording of this condition remain as it was when approved. *"Ingress and egress to the RV Park will be routed through the existing roadways known as Venture Drive and Magnolia Drive. No access to the RV Park will be provided through the adjacent Pine Acres subdivision. Traffic through the adjacent Pine Acres subdivision shall be limited to public utilities and emergency services. The RV Park operator shall install a knock down gate in the buffer fence to accommodate ingress and egress for and*

emergency use and public utility access only. The RV park operator shall maintain the emergency access drive free from obstructions."

- Condition 11: The Council was in agreement with the proposed change: *"The RV Park Operator shall post and enforce its own internal quiet hours and shall abide by the Town's noise ordinances each day of the week."*
- Condition 12: The Council was in agreement with the proposed change: *"The perimeter of the RV property adjacent to the residential properties of Pine Acres shall have an opaque black 6' chain link fence, powder coated and covered with an opaque mesh fence of a six, foot design that is located at approximately 15 at least 10 feet off the Pine Acres property line. The fence will be of a design to provide spatial buffering between adjoining residential uses and discourage pedestrian travel between the RV Park and the adjoining Pine Acres subdivision."*

Councilman Barbour made a motion, seconded by Councilman Dunn, to approve the following conditions for the RV Park. Unanimously approved.

1. There shall be no stacking of vehicles for the RV Park onto Magnolia Drive
2. The entrance drive (guest stacking area to the looped road) shall be paved with cement or asphalt.
3. The outside loop drive shall consist of a stone/all-weather surface.
4. A 50-foot, buffer shall be provided with an opaque fence between the properties of Pine Acres subdivision and the RV Park comprised of new plantings and existing trees and shrubs when available to be maintained by the RV Park Operator.
5. The existing drainage ditch shall be maintained by the RV park operator.
6. The applicant agrees to comply with the RV Park Requirements in the Town's current Unified Development Ordinance.
7. A maximum of fifteen (15) percent of total park spaces are allowed to be used for long term renters longer than twelve months
8. The RV park operator shall provide on-site, 24-hour human staff that can summon law enforcement or emergency services, should the need arise.
9. The RV Park operator shall install and maintain fire hydrants as directed by the local Fire Marshal.
10. Ingress and egress to the RV Park will be routed through the existing roadways known as Venture Drive and Magnolia Drive. No access to the RV Park will be provided through the adjacent Pine Acres subdivision. Traffic through the adjacent Pine Acres subdivision shall be limited to public utilities and emergency services. The RV Park operator shall install a knock down gate in the buffer fence to accommodate ingress and egress for and emergency use and public utility access only. The RV park operator shall maintain the emergency access drive free from obstructions.
11. The RV Park Operator shall post and enforce its own internal quiet hours and shall abide by the Town's noise ordinances each day of the week.
12. The perimeter of the RV property adjacent to the residential properties of Pine Acres shall have a 6' chain link fence, powder coated and covered with an opaque mesh that is located at least 10 feet off the Pine Acres property line. The fence will be of a design to provide spatial buffering between adjoining residential uses and discourage pedestrian travel between the RV Park and the adjoining Pine Acres subdivision.
13. Vehicular parking shall be allowed only in areas designated as such on the approved site plan.

CLOSED SESSION – Pursuant to NCGS 143-18.11 (a) (4) & (5)

Councilman Barbour made a motion, seconded by Councilman Stevens, to go into closed session pursuant to NCGS 1423-318.11 (a) (4) & (5) as a continuation of the November 12th closed session discussion. Unanimously approved.

RECONVENE IN OPEN SESSION

Councilman Barbour made a motion, seconded by Councilman Dunn to reconvene in open session. Unanimously approved at 7:52 pm.

ADJOURN

Being no further business, Councilman Barbour made a motion, seconded by Councilman Dunn, to adjourn the meeting. The meeting adjourned at approximately 7:53 pm.

ATTEST:

M. Andy Moore, Mayor

Shannan L. Parrish, Town Clerk