



Town Board Regular Meeting
June 16, 2020 – 7:00 PM
502 Southtown Circle, Rolesville, NC 27571

MINUTES

A. CALL TO ORDER

Present:

Mayor Ronnie Currin
Commissioner Jacky Wilson
Commissioner Paul Vilga

Mayor Pro Tem Michelle Medley
Commissioner Sheilah Sutton
Commissioner April Sneed

Also Present:

Town Manager Kelly Arnold
Town Clerk Robin Peyton
Planning Director Danny Johnson
Police Chief Orlando Soto

Town Attorney Dave Neill
Finance Director Amy Stevens
Parks & Rec Director J. G. Ferguson
Community & Econ. Dev. Mgr. Mical McFarland

1. Pledge of Allegiance

Mayor Currin led the Pledge of Allegiance

2. Invocation

Commissioner Wilson gave the invocation.

Mayor Currin acknowledge recent events involving policing and racism and reported on recent meetings held where discussion focused on efforts to ensure the Rolesville Police Department continues to provide safe and fair police practices in the community. Future meetings will involve members of the community.

Mayor Currin continued his comments by remarking on the COVID-19 restrictions and status of the number of cases.

3. Review of Agenda by the Board and Additions/Changes of Items of Business to the Agenda for Consideration.

Moved by Commissioner Sutton to move Consent Agenda item number B.1. out for discussion to become item C.1. under Items of Business. The motion was seconded by Commissioner Sneed and carried by unanimous vote.

B. CONSENT AGENDA

- ~~1. Call for Public Hearing for July 7, 2020. Case: TA20-01 R3 Zoning District – Add Single Family Dwellings to Permitted Uses.~~
2. Call for Public Hearing for July 21, 2020. Case: TA20-03 Article 10 – Add Senior Housing Parking Standards.

Moved by Commissioner Sutton to schedule the requested public hearing for Case: TA2-03 for July 21, 2020; seconded by Commissioner Wilson. Motion carried by unanimous vote.

C. ITEMS OF BUSINESS

1. Call for Public Hearing for July 7, 2020. Case: TA20-01 R3 Zoning District – Add Single-Family Dwellings to Permitted Uses.

Commissioner Sutton voiced her opinion that the board should hold a work session on this and similar text amendments prior to calling for a public hearing. Commissioner Medley voiced her agreement. Town Manager Kelly Arnold reported on any future cases this may affect and the need to notify applicants that have submitted paperwork.

The Town Board called for a work session to be held on a Friday in order to discuss the matter and not hold up the applicant any further. It was advised that members of the Town of Rolesville Planning Board be present as well.

Moved by Commissioner Sutton to schedule a work session on Case TA20-01 R3 Zoning District – Add Single-Family Dwellings for Permitted Uses for discussion with the Planning Board and consultants prior to scheduling a public hearing. The motion was seconded by Commissioner Medley and carried by unanimous vote.

2. Public Hearing (Quasi-Judicial): Case SP20-02 Rolesville Rural Fire Department Site Plan.

Town Attorney Dave Neill read the following...

Quasi-judicial hearings have characteristics similar to court proceedings. Quasi-judicial decisions must be based only on the evidence presented at the hearing and site visits by the board if any. Witnesses must testify under oath or affirmation. The parties have the right to cross exam the witnesses There is a right to present rebuttal evidence. The evidence provided by witnesses must be competent and material. North Carolina General Statute Section 160A-193 prohibits a person from giving opinions about scientific, technical and other specialized subjects, unless the person by knowledge, skill, experience, training or education is in fact an expert on the subject. A person wanting to give an opinion as an expert must first state his or her qualifications to be an expert. North Carolina General Statute 160A-393 specifically prohibits opinions that the use of a property in a particular way would affect the value of other properties or opinions that the increase in vehicular traffic, resulting from a proposed development, would pose a danger to the public safety unless the witness is an expert on the subject.

- a. Is any member predisposed to vote in a particular way on this matter, such that their opinion is fixed and the evidence presented during this hearing is not likely to influence their decision?
- b. Has any board member here discussed this matter with either proponents or opponents or other outside this hearing?
- c. Is any member not able to make his or her decision on this matter solely based on the evidence presented at this hearing?

For the record, all members queried answered to the negative. Having received satisfactory answers from all board members to the questions posed by the Town Attorney, the Town Clerk swore in those persons wishing to provide testimony in the hearing.

Commissioner Wilson disclosed that he had made a site visit.

Commissioner Sutton asked if Commissioner Wilson's being the board's liaison for Public Safety is a conflict of interest for the purposes of disclosure. Town Attorney Dave Neill voiced his appreciation for the question and clarified that, although it would qualify as him having particular knowledge or expertise, Commissioner Wilson remained free from concern

regarding conflict of interest.

Upon hearing satisfactory answers from the board members, the Town Clerk swore in those persons wishing to provide testimony.

Mayor Currin opened the public hearing on Case: SP20-02 at 7:22 p.m.

Planning Director Danny Johnson

Mr. Johnson provided the background and pertinent information on the case.

Those in Favor

Mr. Donnie Lawrence, Assistant Fire Chief for the Rolesville Rural Fire Department was present and provided a picture of the proposed building to be added to the existing site.

Those in Opposition

NONE

There being no one remaining to speak, Mayor Currin closed the public hearing on Case SP20-02 at 7:45 p.m.

Moved by Commissioner Sutton to approve public hearing Case SP20-02, Rolesville Rural Fire Department Addition Site Plan with the condition of coming back to the Planning staff for approval of the landscape buffer. The motion was seconded by Commissioner Medley and carried by unanimous vote.

3. Public Hearing (Quasi-Judicial): Case PR18-02 – Chandler's Ridge Preliminary Subdivision Plat Administrative Review/Approval.

Town Attorney Dave Neill read the following....

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- a. Is any member predisposed to vote in a particular way on this matter, such that their opinion is fixed and the evidence presented during this hearing is not likely to influence their decision?
- b. Has any board member here discussed this matter with either proponents or opponents or other outside this hearing?
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For the record, all members queried answered to the negative. Having received satisfactory answers from all board members to the questions posed by the Town Attorney, the Town Clerk swore in those persons wishing to provide testimony in the hearing.

Upon hearing satisfactory answers from the board members, the Town Clerk swore in those persons wishing to provide testimony.

Mayor Currin opened the public hearing on Case: PR18-02 at 7:55 p.m.

Planning Director Danny Johnson

Mr. Johnson provided the history and pertinent information on the case.

EVIDENCE FROM APPLICANT

Ken Edwards, Gwynn & Edwards PA, 5909 Falls of Neuse Rd, Raleigh

Mr. Edwards, representative for the petitioner, thanked those present for opening the Chandler's Ridge case back up for consideration following a three-month delay. Edwards also stated appreciation for the town's social distancing precautions allowing for hearings to be conducted.

Edwards restated the following for the record:

- The project will include a 4% open space.
- There will be two separate routes for the Jones Dairy Road extension.
- Concessions being honored from the June 2019 neighborhood meeting.

Teddy Whitley, Developer,

Mr. Whitley provided a three- and one-half year history of his being involved in development in Rolesville as well as his attachment(s) to the community. Particular consideration has been given to building a low-density community and to the future Jones Dairy Road extension.

Whitley described the team of witnesses present to address any questions on the project and furnished additional details on the type of community planned.

Attorney Edwards asked Mr. Whitley the following questions to establish his qualifications as an expert witness with Mr. Whitley responding in kind:

1. How many developments have you been involved in in Rolesville and how many developments are you currently involved in in development stage:
In Rolesville we have worked on Elizabeth Springs Subdivision. (Whitley described his developments in Wake Forest, Fuquay-Varina and Johnston County that, with Rolesville encompasses roughly 1300 lots).
2. Prior to becoming a developer, what other occupation did you enjoy?
After farming tobacco worked for IBM for one year before starting with Cisco Systems. Following that was real estate, then development.
3. How long have you been involved in real estate?
Eight years.
4. Do you have any opinion as to whether this project will substantially injure the value of any of the adjoining property?
My opinion would be that I would not believe it would. I feel we have put together a project that will probably be what Rolesville would like to see more of. Less density/larger lots.

5. Do you also believe that the project itself is in harmony with the scale, codes, density and character of neighborhoods which surrounds it?
I absolutely believe that.

Following her request, Mr. Whitley showed Commissioner Medley the location of the lots in relation to the Rolesville Baptist Church cemetery.

Commissioner Sutton requested a description of "cottage-style homes" proposed in the project along with price point and square footage.

Pablo Reiter, Division President for Tarramor Homes, Raleigh

Mr. Reiter provided his qualifications and directed his project summary to lot size, home styles, amenities and price points planned for the project. Reiter confirmed for Commissioner Wilson that the cottage homes will have two car garages.

Attorney Edwards asked Mr. Whitley the following questions to establish his qualifications as an expert witness with Mr. Whitley responding in kind:

1. As President of Tarramor Homes, do you have an opinion as to whether or not the proposed development would injure the value of adjoining properties?
I don't believe it will injure the value of any. It will right in line with the market or above the market.
2. In addition to that, do you believe the use of the development will be in harmony with the scale, codes, density and character of the neighborhoods surrounding it.
Like I said before, we are offering a product that really doesn't exist which is a large lot that allows for pools and workshops and things that are just not available in current developments that are being offered.

Tyler Probst, Bateman Civil Survey, PC, 2524 Reliance Avenue, Apex

Mr. Probst gave his credentials qualifying him to be an expert witness. Mr. Probst answered a question including trees to be saved and those protected by covenants, posed by Commissioner Sutton regarding trees that are to remain. Mr. Probst offered to put on the plat that the row of trees described as being on the cemetery property would not be disturbed.

Probst responded with specific stormwater mitigation plans in response to a question posed by Commissioner Vilga.

Kevin Dean, Traffic Engineer, Kimley-Horn & Associates, 421 Fayetteville Street, Raleigh

Mr. Dean provided his credentials. Dean reported that, based upon studies conducted, the project is not anticipated to generate more than 100 am or pm trips during peak hours which is the threshold for performing a traffic impact analysis. Coordination occurred between NCDOT and Town staff to determine necessary improvements to mitigate any perceived traffic impacts. Based upon that coordination the project includes a commitment for the construction of north-bound right turn lanes on Young Street at site driveways and frontage widening required by the Town with sufficient widening for a center southbound turn lane when warranted.

Dean stated his professional opinion that the project is appropriately located with respect to transportation facilities and will not cause undo traffic congestion or create a traffic hazard.

PUBLIC IN OPPOSITION

Betty Freeman, 524 Averette Road

Portion of their property is behind the proposed project and that the Rolesville Baptist Church Cemetery installed Bradford Pear's about 12 years ago. These trees are reportedly on the project property. Freeman described how caskets in the cemetery floated in the distant past due to stormwater. Freeman asked if there would be assurance of that not happening again. Ms. Freeman also reported that she had seen more than one bad accident on the hill at the cemetery. Lastly, Ms. Freeman stated that something must be done to stop trespassers to her property.

George Garcia, 524 Averette Road

Mr. Garcia elaborated on the trespassers to his property to which the developer described the 1,091LF of fencing to be installed to mitigate trespassing on the adjacent property. Garcia requested specifics regarding the plans to extend Jones Dairy Road as one plan he stated seeing would divide his property. Garcia was informed that no further information could be provided until all potential routes had been reviewed by the Army Corps of Engineers followed by a town review of findings and ultimate decision as to the best route. Town Manager Kelly Arnold informed Mr. Garcia that the street could potentially be a Town-owned street as well and be subject to town planning, obligations and restrictions. The road would be funded and built by the Town. From the Town's perspective there is no schedule for building the extension.

Laura Logan, 109 Watkins Farm Road

Ms. Logan asked what kind of buffer, if any, would be constructed or left between the new development and existing homes fronting the property. The developer stated his intention to construct a 6' fence along lots 19-24 in Watkins Farms Subdivision to separate the two developments despite its not being required by town codes.

Kevin Dean, Traffic Engineer, Kimley-Horn & Associates, 421 Fayetteville Street, Raleigh

Addressing the board again, Mr. Dean reported that, without having done a traffic analysis, there is no incorporation of speed limits. Upon conducting an analysis, appropriate speed limits and lane widths are an important factor but the project only required a trip generation study revealing a formal analysis was not required. NCDOT and the Town look at appropriate speed limits when looking at road designs based upon most current standards.

Tyler Probst, Bateman Civil Survey, PC, 2524 Reliance Avenue, Apex

In response to a query from Commissioner Medley, Mr. Probst stated that the planned stormwater retention could potentially positively impact the currently existing properties.

There being no one remaining to speak, Mayor Currin closed the public hearing on Case: PR19-02 at 9:59 p.m.

Moved by Commissioner Wilson to approve PR18-02 Chandler's Ridge Preliminary Plat subject to the Development Agreement with the addition of a 6' fence to be noted on the site plans behind lots 19-24, and a 1,000+' fence along the Garcia Freeman property, as well as a commitment to not disturb the Bradford Pear trees, nor their canopies on the Rolesville Baptist Church cemetery property. Motion was seconded by Commissioner Sutton and carried by unanimous vote.

4. Public Hearing (Legislative): Chandler's Ridge Development Agreement.

Mayor Currin opened the public hearing on the Chandler's Ridge Development Agreement at

10:03 p.m.

Town Attorney Dave Neill provided an introduction to the hearing as well as the North Carolina General Statutes governing development agreements. Mr. Neill provided a comprehensive review of the development agreement under consideration and encompassing included benefits to the Town.

PUBLIC IN FAVOR
NONE

PUBLIC IN OPPOSITION
NONE

There being no one remaining to speak, Mayor Currin closed the public hearing on public hearing Case PR19-02 at 10:10 p.m.

Moved by Commissioner Wilson that the Board approve the Development Agreement and adopt Ordinance # 2020-O-06 titled "Ordinance Adopting Development Agreement – Chandler's Ridge; seconded by Commissioner Vilga. Motion carried by unanimous vote.

5. Farm Site Master Plan

Rachel Cotter, RLA, McAdams, 2905 Meridian Parkway. Durham

Ms. Adams provided an update on the final Farm Site Master Plan for the benefit of the board members and those present. The board is being asked to consider adoption of the final plan which includes the estimated development and operating costs. Upon adoption the town can initiate 30% design completion and annexation of the property into town limits.

Moved by Commissioner Wilson to adopt the Farm Site Master Plan as presented and direct staff to move forward with resolution of intent to annex the Farm property and begin working with McAdams on the 30% construction drawings. Also, direct staff to initiate annexation process for the entire property. The motion was seconded by Commissioner Vilga and carried by unanimous vote.

6. Continued Discussion on Proposed 2020-20201 Budget.

The board is being asked to make a motion to adopt:

- The Budget Ordinance for the Fiscal Year Lasting from July 1, 2020 through June 30, 2021 [*amended to include \$25,000.00 for study of future staffing needs*]
- The Resolution Authorizing the Wake County Department of Revenue to Levy and Collect Property Taxes
- The Capital Project Ordinance for the East Young Street Sidewalk #2
- The Capital Project Ordinance for the Main Street Vision Plan

Moved by Commissioner Wilson to adopt the 2020-2021 budget along with the amendments cited for fiscal year 2020/2021 as well as resolution to levy and collect taxes, capital project ordinance for the East Young Street Sidewalk #2 and capital project ordinance for the Main Street Vision Plan; seconded by Commissioner Medley. Motion carried by unanimous vote.

Commissioner Wilson reported on the Town being in danger of losing the eleven full-time employees of the Rolesville Rural Fire Department unless they are absorbed by the Town and provided benefits. These employees are being lured by other entities like Wake County, etc. that are promising benefits.

Moved by Commissioner Sutton to cancel this year's fourth of July celebration in light of the COVID-19 pandemic and for the safety of our community and surrounding communities; seconded by Commissioner Medley. Motion carried by unanimous vote.

Commissioner Sutton brought up Columbus Day being changed to Indigenous Peoples' Day. Town Manager Kelly Arnold reported that the Town of Rolesville does not recognize Columbus Day.

7. ADJOURNMENT

Moved by Commissioner Wilson to adjourn seconded by Commissioner Sutton. Motion carried by unanimous vote. Meeting adjourned at 11:09 p.m.



Ronnie I. Currin, Mayor

ATTEST:



Robin E. Peyton, Town Clerk