



Town Board Regular Meeting
February 1, 2022 – 7:00 PM
502 Southtown Circle, Rolesville, NC 27571

Minutes

PRESENT:

| | |
|-----------------------------------|--------------------------------------|
| Ronnie Currin, Mayor | Paul Vilga, Mayor Pro Tem |
| Michelle Medley, Commissioner | April Sneed, Commissioner |
| Sheilah Sutton, Commissioner | Dan Alston, Commissioner |
| Kelly Arnold, Town Manager | Dave Neill, Town Attorney |
| Robin Peyton, Town Clerk | Eric Marsh, Assistant Town Manager |
| Amy Stevens, Finance Officer | Lisa Alston, Human Resource Director |
| JG Ferguson, Parks & Rec Director | Meredith Gruber, Planning Director |
| David Simmons, Police Chief | Mical McFarland, Comm. & ED Manager |

A. CALL TO ORDER

Mayor Currin called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance
Mayor Currin led the Pledge of Allegiance
2. Invocation
Commissioner Alston gave the invocation.
3. Citizen Recognition
Mayor Currin recognized Rolesville resident Kathy Kiesow for her engagement as a concerned citizen for the safety of her fellow residents. Ms. Kiesow brought some safety concerns surrounding current construction sites (specifically Redford Place) to the attention of town staff and is being recognized for her community involvement.
4. Review of Agenda by the Board and Addition/Changes of Items of New Business to the Agenda for Consideration.
Moved by Commissioner Alston to approve the agenda as presented; seconded by Commissioner Sutton. Motion to approve carried by unanimous vote.
5. Town of Rolesville Chamber of Commerce Quarterly Update
Rolesville Chamber of Commerce Executive Director, Rachel Morris gave a PowerPoint presentation to update the Town Board on activities by the Chamber in the last quarter. PowerPoint presentation included herein by reference. Alan Mitchell, Current Chair of the Chamber followed the presentation with positive comments on the Chamber balance sheet.
6. Board Liaison Reports
 - Mayor Pro Tem Vilga – Parks & Recreation Advisory Board
 - A Parks & Recreation Advisory Board (PARAB) meeting was held on Jan 26th at which new officials were nominated. Nominated new officials. Discussed the bond on a

- limited basis allowing for time for the Town Board to discuss further at its upcoming retreat.
- Chandler Ridge park property was discussed.
- Open Space and Greenway plan was discussed.
- Facility naming committee shared a sample policy.
- Commissioner Sutton – Economic Development
 - Rolesville Downtown Association met Jan 28th.
 - First in-person meeting in a year.
 - New members.
 - Work plan for 2022 was discussed.
 - Scheduled to meet monthly.
- Commissioner Medley – Planning Board
 - Discussed Public Works facility rezoning. Planning Board affirmed its being in favor.
 - Wallbrook development was discussed. Planning Board affirmed its being in favor.
 - Grateful for upcoming recognition dinner.
- Commissioner Sneed – Public Safety
 - Met Jan 20th.
 - Fire Department volunteers are up for re-certification
 - Knox box being made available to residents again this year.
- Commissioner Alston – Veterans Affairs
 - Commissioner Alston thanked Mayor Currin for appointing him as Veterans Liaison.
 - Alston reported he will be meeting with Wallbrook developer Austin Williams to discuss siting a Veterans Center in the developments new retail complex.
 - Alston is coordinating with the Knightdale Disabled American Veteran (DAV) to find elderly/disabled Veterans who may need assistance getting to appointments.

Mayor Currin read aloud the Proclamation for Black History Month 2022. Proclamation included herein by reference.

7. Public Invited to be Heard

Betty Freeman

Traffic caused by accident last week on Highway 401, traffic increases are to be expected in Rolesville as a whole.

Averette Road is within the Rolesville Police Department jurisdiction. Ms. Freeman showed a beer can she found on her father's grave in the Rolesville Baptist Church cemetery off Averette Road and stated this is the third one she has found since Christmas. Ms. Freeman asked that the Rolesville Police Department look for late-night visitors to the cemetery when patrolling in the area.

Demetris McLeod, 1111 Virginia Water Drive, Rolesville, NC

Ms. McLeod came and spoke on behalf of herself and residents of Cedar Lakes Subdivision, regarding the buzzard issue that is being experienced. Damage to roofs has occurred. Ms. McLeod showed pictures and described being woken up at 5:00 a.m. by the buzzards landing on rooftops. Acrid smell and droppings are being left which Ms. McLeod described

as a safety hazard. Residents have power washed their property as well as banging pots & pans, blowing horns, flashing lights, hanging owl decoys to prevent the buzzards from nesting. Ms. McLeod comes asking what else can be done as residents cannot cook in their back yards due to feces which McLeod reports is a hazard to those with autoimmune disorders

Paul Wieczkowski, 1100 Virginia Water Drive, Rolesville, NC

Mr. Wieczkowski also came to report on the buzzard issue which he stated started in 2017. Wieczkowski stated he realizes they are protected but is asking for assistance in abatement.

Mike Zelibor, 605 Vigo Court

Mr. Zelibor also reported on the buzzard issue stating that the noise and defecation is an issue. Mr. Zelibor reported that Shelby, North Carolina had a similar issue and suggested researching the results of their studies and abatement measures.

Town Manager Kelly Arnold reported that the town is aware of efforts done by Shelby, North Carolina and added that the town is under contract with USDA for abatement of the buzzard nuisance. Arnold had Police Chief Simmons provide an update on abatement efforts to those who spoke on the buzzard issue being experienced in the Villages of Rolesville Subdivision. A written report is to be provided to the Town Board in the near future.

B. CONSENT AGENDA

Moved by Commissioner Alston to approve the consent agenda consisting of the following and revised with the inclusion of the words "*and veterans*" after "*women*" in the Resolution Regarding Supplier Diversity, (first sentence of the first paragraph under H. Supplier Diversity); seconded by Commissioner Sutton.

1. Minutes of the December 7, 2021 Regular Town Board Meeting
2. Minutes of the January 4, 2022 Regular Town Board Meeting.
3. Minutes of the January 18, 2022 Town Board Work Session
4. Resolution 2022-R-02 - Regarding Supplier Diversity.
5. Resolution 2022-R-03 - Authorize the Use of Electronic Advertisement for Contracts.
6. Resolution 2022-R-05 - Acceptance for Willoughby Greenway.
7. Waive Alcohol Restrictions for 2022 Town Events.
8. MA21-06: Tucker Wilkins Property – Updated Zoning Conditions.

C. BOARD ACTION

1. Public Hearing MA21-07 and ANX21-05 – Public Works Facility.
Mayor Currin opened the Public Hearing on MA21-07 and ANX21-05 at 7:45 p.m.

Planner I James Carter provided a brief history and introduction to the cases.

PUBLIC IN FAVOR

None

PUBLIC IN OPPOSITION

None

Mayor Currin closed the public hearing on MA21-07 and ANX21-05 at 7:53 p.m.

Moved by Commissioner Sutton to approve MA21-07 rezoning request as presented by staff. Motion was seconded by Commissioner Sneed and carried by unanimous vote.

Moved by Commissioner Sutton to approve ANX21-05 annexation petition as presented by staff. Motion was seconded by Commissioner Alston and carried by unanimous vote.

Town Attorney Dave Neill interjected to report for clarity that, in consultation with the Mayor and staff, it is suggested that map amendment votes be taken first and the annexation vote second. In the event the annexation fails, the map amendment would be rendered a nullity. This procedure will work better for deliberation by the board when these cases come together in future.

2. Public Hearing MA20-03 – Broughton Townhomes.

Mayor Currin opened the public hearing on Case MA20-03 at 7:55 p.m.

Planning Director Meredith Gruber provided a brief history and introduction on Case MA20-03; a rezoning request for 7.21 acres located on N. Main Street and Young Street from Residential 1 to Residential 3 – Conditional Zoning District. It was noted that, based upon the timing of the application, the case falls under the Unified Development Ordinance (UDO). Ms. Gruber noted that she had reviewed petitions created over a year ago following a neighborhood meeting during that same timeframe.

Planning Board has recommended approval. Applicant is offering additional 6' opaque fencing and 20' wide landscape buffer between the townhomes and adjacent neighborhood.

PUBLIC IN FAVOR

Marty Bizzell, Bass, Nixon & Kennedy Engineers, 6610 Chapel Hill Road, Raleigh, NC and Charles Hassinger with KDM

Mr. Bizzell made a presentation on behalf of the applicant and provided background on neighborhood meetings, HOA meetings and Planning Board meetings. Bizzell added information on sidewalk improvements planned for Young Street as well as affirmation that the townhomes will be front facing and alley fed. Trip generation information did not warrant a traffic impact analysis (TIA) but the firm did input traffic into existing studies for Cobblestone Villages to include the Broughton townhomes project.

PUBLIC IN OPPOSITION

Marty Loepfer, 112 Terrell Drive, Rolesville, NC

Mr. Loepfer expressed his concerns that, due to the delay of the project, original petitions were misplaced and track of the project was lost.

Michelle King, 316 Woodlief Farm Road, Rolesville, NC

In opposition of the connection to Northwick Road and the potential safety hazards it brings.

In response to deliberation regarding traffic concerns, Mr. Bizzell asked that the board continue the public hearing to allow his firm to determine if the TIA being used took into consideration knowledge of new subdivision projects.

Mayor Currin closed the public hearing at 8:56 p.m.

Moved by Commissioner Medley to deny the map amendment MA20-03 ; seconded by Mayor Pro Tem Vilga. Motion to deny carried by the following vote:

Ayes: Sneed, Vilga, Medley, Alston

Noes: Sutton

3. Public Hearing MA21-09 and ANX21-06 – Wallbrook.
Planning Director Meredith Gruber gave a brief history and introduction to Cases MA21-09 and ANX21-06 – Wallbrook.

Mayor Currin opened the public hearing on Cases MA21-09 and ANX21-06 at 9:11 p.m.

Planning Director Meredith Gruber provided in introduction and background information on MA21-09, a map amendment request for 19.95 acres located on S. Main Street and Burlington Mills Road for a change to general commercial zoning and ANX21-06, an annexation petition for the same property as the map amendment with the addition of a parcel across S. Main Street for a total of 64.04 acres.

Mr. Austin Williams, Developer of the property spoke briefly on project delays experienced due to NCDOT requirements which generated additional property procurement and planned improvements generated by the traffic impact analysis. Mr. Williams requested approval of the application and stated he was present to answer any questions.

PUBLIC IN FAVOR

None

PUBLIC IN OPPOSITION

None

Mayor Currin closed the public hearing on Cases MA21-09 and ANX21-06 at 9:21 p.m.

Moved by Commissioner Sneed to approve the map amendment for the rezoning under Case MA21-09 – Wallbrook; seconded by Commissioner Alston. Motion to approve carried by unanimous vote.

Moved by Commissioner Alston to approve ANX21-06 as presented; seconded by Mayor Pro Tem Vilga. Motion to approve carried by unanimous vote.

4. Wallbrook Infrastructure Improvement Agreement (IIA) & Roadway Reimbursement Agreement (RRA). Applicant has proposed/offered additional conditions.

Moved by Commissioner Sutton to approve the Wallbrook IIA & RRA with direction to staff to place these documents in final form for execution by the Town Manager; seconded by Commissioner Alston. Motion to approve carried by unanimous vote.

5. Evidentiary Hearing SP20-04 – The Point South Townhomes.

Town Attorney Dave Neill read the following preamble:

Evidentiary hearings have characteristics similar to court proceedings. Evidentiary hearings are necessary when a quasi-judicial decision must be made by the board. The board's decision must be based only upon 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 legal counsel. The parties have the right to cross exam the witnesses. The parties have the right to object to improper testimony or evidence. There is a right to present rebuttal evidence. The evidence provided by witnesses must be competent and material. Unduly repetitious or irrelevant testimony may be barred by the Mayor. An attorney or party wishing to cross-exam a witness shall rise and wait to be recognized by the Mayor. Normally witnesses may testify only to their personal knowledge of facts. With regard to competent evidence, North Carolina law 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. Unless a witness is an expert on the subject, North Carolina State law 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.

Attorney Neill then queried the board members as to the following qualifying questions:

- 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 others outside this hearing?
- c. Does any member have a close, familial, business or other associational relationship with the applicant or an aggrieved party?
- d. Does any member have a financial interest in the outcome of this matter?
- e. Does any member have particular knowledge or expertise regarding the site or the subject matter of the hearing?
- f. Has any member made a site visit?
- g. Is there any objection by any member of the board or any party to the participation of any member based upon conflict of interest?

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.

Mayor Currin opened the public hearing on SP20-04 at 9:30 p.m.

Senior Planner Michael Elabarger provided a brief history and introduction on Case SP20-04.

ATTORNEY'S OPENING STATEMENT

Attorney Beth Trahos with Nelson, Mullins, Riley & Scarborough provided an opening statement representing Ashwoods Homes in regard to The Point South Townhomes development. Ms. Trahos reminded the Town Board of its previous review and approval of the project in 2019, stating the approved document continues to govern what happens in the southern area of the development under consideration under SP20-04. Trahos requested the PowerPoint presentation given, be entered in to record along with the previous approval documents. Requested presentation and documents included herein by reference.

Mike Sanchez, Civil Engineer with McAdams 2905 Meridian Parkway, Durham
Mr. Sanchez provide his credentials in order for him to be considered an expert in engineering. Mr. Sanchez reported that they do meet all the requirements with this proposal.

Travis Fluitt, Kimley-Horn, 421 Fayetteville Street, Raleigh.

Mr. Fluitt provided his credentials in order for him to be considered an expert in transportation. Mr. Fluitt responded to the following questions posed to him by Attorney Trahos:

1. Is it your professional opinion that the proposed townhomes are appropriately located with respect to transportation facilities?

Mr. Fluitt: It is my professional opinion that the proposed townhomes are appropriately located with respect to transportation facilities.

2. Is it your professional opinion that the proposed townhomes will not cause undue traffic congestion or create a traffic hazard?

Mr. Fluitt: Yes, it is my opinion that the traffic from this site will not cause an undue traffic hazard.

Mr. Rich Kirkland, Kirkland Appraisals

Mr. Kirkland provided his credentials in order for him to be considered an expert in real estate appraisals. Mr. Kirkland is a state certified real estate appraiser. Mr. Kirkland's written report was tendered to the Town Clerk in order to become part of the official record. Report included herein by reference.

PUBLIC IN OPPOSITION

None

CLOSING REMARKS FROM ATTORNEY

Ms. Trahos provided closing remarks on behalf of the applicant.

Mayor Currin closed the public hearing on SP20-04 The Point South Townhomes at 10:00 p.m.

Moved by Commissioner Sutton to approve the site plan based upon the evidence and testimony presented at the public hearing; seconded by Mayor Pro Tem Vilga. Motion to approve carried by unanimous vote.

6. Public Hearing on Resolution 2022-R-04 establishing a verifiable percentage goal for participation by historically underutilized businesses in building projects.

Finance Director Amy Stevens referenced the North Carolina General Statutes governing the percentage for utilizing HUBs and provided additional information on future construction projects by the town, thereby justifying the establishment of percentage goals by the town at this time and as previously presented in the Town Board Work Session of January 18th.

Mayor Currin opened the public hearing on setting a verifiable percentage goal for utilization of Historically Underutilized Businesses (HUB) in building construction projects at 10:08p.m.

PUBLIC IN FAVOR

None

PUBLIC IN OPPOSITION

None

Mayor Currin closed the public hearing on setting a verifiable percentage goal for utilization of HUB in building construction projects at 10:09 p.m.

Moved by Commissioner Sutton to approve Resolution 2022-R-04 to establish a verifiable percentage goal for participation by historically underutilized businesses in building projects with a goal of 15%; seconded by Commissioner Medley. Motion to approve carried by unanimous vote.

D. COMMUNICATIONS

1. Communication from Town Attorney
None
2. Communication from Town Staff
Tabled until next regular meeting
3. Communication from Town Manager
Reminder of Town Board Retreat February 4th.
4. Communication from Town Board.

Mayor Currin reported that the Closed Session scheduled for the evening would be tabled.

Mayor Currin also reported that the next Mayor's Show is scheduled for February 3rd with guests Billy Singleton, a graduate of Launch Rolesville and teaches financial independence as well as longtime Rolesville developer Hal Perry who will be retiring upon completion of his final developments in Rolesville.

E. ADJOURN

There being no additional business before the Town Board, Mayor Currin adjourned the meeting at 10:19 p.m.



Ronnie I. Currin, Mayor

ATTEST:



Robin E. Peyton, Town Clerk

