



**Town Board Regular Meeting**  
September 6, 2022 – 7:00 PM  
502 Southtown Circle, Rolesville, NC 27571

## Minutes

**PRESENT:** Ronnie Currin, Mayor  
Sheilah Sutton, Commissioner  
Michelle Medley, Commissioner  
Kelly Arnold, Town Manager  
Amy Stevens, Finance Director  
Meredith Gruber, Planning Director  
Lisa Alston, Human Resources Director

Paul Vilga, Mayor Pro-Tem  
April Sneed, Commissioner  
Dan Alston, Commissioner  
Dave Neill, Town Attorney  
Eric Marsh, Assistant Town Manager  
Michael Elabarger, Senior Planner  
David Simmons, Police Chief

### 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 Dan Alston gave the invocation.**

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

**Moved by Commissioner Sutton to approve the agenda as presented; seconded by Commissioner Medley. Motion to approve carried by unanimous vote.**

4. Board Liaison Reports

- Mayor Pro Tem Vilga – Parks & Recreation Advisory Board
  - Reported on the August 31<sup>st</sup> meeting.
  - Member of Boy Scout Troup 141 gave a presentation on a proposed project in Main Street Park.
  - Upgrades to LED lights at Field C have been completed.
  - Painting of parks restrooms has been completed.
  - Fall sports kick-off September 6<sup>th</sup>.
  - Commissioner Vilga reported he began coaching soccer in Rolesville for his oldest daughter in 2012 and this evening she is coaching her first soccer game in Rolesville.
- Commissioner Sutton – Economic Development
  - Rolesville Downtown Development Association did not meet in August but will resume in September.
  - Launch Rolesville, a 10-week entrepreneurial program through a partnership with the Rolesville Chamber of Commerce/Rotary Club and Town of Rolesville, will begin

- September 7. Businesses not able to participate this time should keep an eye out for the next.
- All members of the Town Board attended the Rolesville Chamber Annual Meeting/Dinner on August 18<sup>th</sup> at the Renaissance Center in Wake Forest.
  - August 25<sup>th</sup> the Chamber of Commerce held a ribbon cutting for a new home-based Travel company.
  - September 8<sup>th</sup> a ribbon cutting will be held for LSM Insurance.
- Commissioner Medley – Planning Board
    - Change was made to the August 22<sup>nd</sup> Planning Board meeting agenda.
    - Discussion held on proposed changes to the Land Development Ordinance (LDO).
    - Commissioner Medley will be attending a conference on Affordable Housing on September 7<sup>th</sup> & 8<sup>th</sup>.
  - Commissioner Alston – Veterans
    - Attending a virtual meeting on August 18<sup>th</sup> with WakeMed at which WakeMed reported, due to budget, a new location in Rolesville is not feasible at this time but would like to revisit the concept in one year.
    - WakeMed is currently approval and funding for a 50-bed, mental health facility in Garner.
    - Attended the NC Governors Working Group meeting on August 25<sup>th</sup>. The group facilitates collaboration with state-wide partners on assisting Veterans. Seeking the groups assistance on locating a Veterans Center in Rolesville.
    - Met with the NC Department of Military and Veteran Affairs on September 1<sup>st</sup> to discuss Operation Green Light, an initiative to shed light on the plight of Veterans in communities across the nation who are having a hard time acquiring benefits after serving. By shining a green light, we can let all Veterans know they are seen, appreciated, supported, and not forgotten. Dates are to be determined but will occur during the week of Veterans Day.
    - September 2<sup>nd</sup> met with the Garden Club of Rolesville and Town staff to discuss relocating the Blue Star Memorial to the grass area at Town Hall at the flagpole location. Town staff is working on a temporary design for upcoming events.
    - September 11<sup>th</sup> is the 21<sup>st</sup> anniversary of the terrorist attack that killed 2,977 people and injured thousands at the World Trade Center, Pentagon, and crash sight of United Flight 93 in Somerset County.
    - The armed forces acted quickly following the terrorist attack in conflicts in Afghanistan, Iraq, Syria, and Pakistan.
    - Commissioner Alston asked for a moment of silence to observe and honor those who lost their lives in the 9/11 attack and those military personnel who paid the ultimate sacrifice in incursions that followed. All those present stood for a moment of silence.
    - The NC Joint Force Headquarters if holding a 9.11-mile walk/run beginning at 6:45 a.m. on 9/11.
  - Commissioner Sneed – Public Safety
    - Commissioner Sneed extended appreciation to residents for their support of the Rolesville Rural Fire Department following the passing of Fire Chief Rodney Privette.
    - Assistant Fire Chief Donnie Lawrence is now serving in the capacity of Fire Chief.
    - Captain Jacob Butler has been promoted to Division Chief.
    - Asked that the department be held in continual prayers.
    - Normally scheduled meeting was postponed until October.

Mayor Currin commented on how much Chief Privette will be missed.

5. Communication from Town Staff

- Amy Stevens – Finance
  - Finance Director Amy Stevens reported the Finance Department is focused on fund balances which are looking to be significantly higher than were expected a year ago.
  - The Town was notified that it has received the Government Finance Officers Association Distinguished Budget Presentation award for the 6<sup>th</sup> consecutive year. The award is based upon a review of the budget document by the GFOA for readability for citizens and legislators.
  - Thanked the Finance Department staff for working as a team to ensure work continuity through illnesses and vacations occurring throughout the Spring/Summer.
- Lisa Alston – Human Resources
  - Focusing on inspiring employees.
  - Development Support Specialist in Planning Department promoted to Planner I.
  - New Development Support Specialist hired externally.
  - Second round of interviews being conducted for Program Coordinator in Parks & Recreation.
  - Two conditional offers extended for police officers. One full-time and one part-time with advertising for one additional officer ongoing.
  - Hiring for part-time seasonal positions in Parks & Recreation (Camp Counselor, Camp Director, Facility Supervisor, Recreation Assistant).
  - Code Enforcement Officer position filled the beginning of August.
  - Interviews September 8<sup>th</sup> for Communications & Engagement Specialist.
  - The statistics generating the vacancies: 1 retirement and 2 voluntary resignations causing a 6% turnover/94% retention rate. 18% turnover rate is the norm for government.
  - New quarterly newsletter "Team Talk" rolled out.
  - Working on safety program and safety training.
  - Continuing work on high impact hiring process and supervisor training in hiring processes. Two weeks ago, an article in the Raleigh paper reported that City of Raleigh water and sewer now has PFH (polyfluorinated in it

6. Public Invited to be Heard

*George Garcia, 524 Averette Road*

Mr. Garcia spoke regarding a board meeting at which Raleigh Water Quality was in attendance to report on radio nuclear toxins in well water around Rolesville after which people were offered the chance to hook up to Raleigh water and sewer. Garcia reported that two weeks ago an article appeared in the Raleigh newspaper reporting that City of Raleigh water and sewer now contains PFAS (polyfluoroalkyl substances). Also, samplings from the Clayton Falls location on the Neuse has revealed BODs in the system.

B. CONSENT AGENDA

**Following Town Attorney Dave Neill's reminder of the correction made to the minutes of October 6, 2020 (past omission of motion made after return to open session due to cessation of recording) it was moved by Commissioner Sutton to approve the Consent Agenda as presented and consisting of the following:**

1. Minutes of the August 2, 2022, Regular Meeting and August 16, 2022, Work Session.
2. Resolutions Adopting Uniform Guidance Policies:
  - a. Resolution 2022-R-16 Establishing a Record Retention Policy Related to the American Rescue Plan Act of 2021.
  - b. Resolution 2022-R-17 Establishing an Eligible Use Policy for Funds Related to the American Rescue Plan Act of 2021.
  - c. Resolution 2022-R-18 Establishing an Allowable Costs and Cost Principles Policy for Funds Related to the American Rescue Plan Act of 2021.
  - d. Resolution 2022-R-19 Establishing a Nondiscrimination Policy Related to the American Rescue Plan Act of 2021.
3. Grant Project Ordinance for the American Rescue Plan Act of 2021.
4. Capital Project Ordinance Amendment for Main Street LAPP.
5. Capital Project Ordinance for Granite Acres Greenway.
6. Wake County/Rolesville Library Memorandum of Understanding (MOU).
7. Correction to the Minutes of October 6, 2020.
8. Wallbrook Orders: SP21-02 – Townhome Site Plan Order; PR21-04 Preliminary Plat Order; SP22-03 Publix Site Plan Order.

**Motion to approve Consent Agenda as presented seconded by Commissioner Vilga and carried by unanimous vote.**

#### C. BOARD ACTION

1. Evidentiary Hearing: PR20-6 Point North Phases 11-13.  
Town Attorney Dave Neill read the procedural statement for evidentiary hearings under North Carolina General Statutes, then conducted the voir dire of the board members. Upon receiving satisfactory answers to the voir dire from the board members, those wishing to provide testimony in the evidentiary hearing were sworn in by Mayor Currin in the absence of the Town Clerk.

**Mayor Currin opened the evidentiary hearing on Case PR20-06 at 7:51 p.m.**

*Planning Director Meredith Gruber provided the staff report*

Case PR20-06 Point North Phases 11-13, Preliminary Plat consideration for 45.39 acres located on the northwest side of US401 that touches subdivisions The Villages of Rolesville and Cedar Lakes. The subdivision plat is for a proposed 94 single-family units at a density of 2.26 units per acre. Prior approval already received for 98 single-family units.

*Attorney Beth Trahos with Nelson, Mullins spoke on behalf of Ashton Woods Homes.*

Ms. Trahos reported this being her third appearance before the Town Board in a quasi-judicial setting on the Point North and cited prior approvals received on the project by the board.

WITNESSES IN FAVOR

*Mike Sanchez, Civil Engineer with McAdams, 2905 Meridian Parkway, Durham*  
Mr. Sanchez provided his credentials to be considered an expert witness in civil engineering. Mr. Sanchez was accepted by the Town as an expert witness in civil engineering and residential development. Mr. Sanchez demonstrated how the project meets the conditions of approval for emergency vehicle access along Genovesa Drive in Cedar Lakes Subdivision and Redford Place at Castle Combe Drive.

*Travis Fluitt, Kimley-Horn and Associates, 421 Fayetteville Street, Suite 600, Raleigh, NC*  
Mr. Fluitt provided his credentials to be considered an expert witness in transportation engineering. Mr. Fluitt was accepted by the Town as an expert witness in transportation. Mr. Fluitt spoke to the April 2022 update to the Traffic Impact Analysis (TIA) performed in 2019 for The Point Development. Traffic studies were conducted in March 2022 when school was in session and a 2.5% growth rate was assessed as well as five previously approved developments (to include the southern portion of The Point). Mr. Fluitt also reported NCDOT's refusal to allow the development access to US401.

*Maria Winn, 1018 Virginia Water Drive, Rolesville*  
Ms. Winn came to speak on behalf of the neighborhood of Cedar Lakes as the President of the homeowners' association. Town Attorney Dave Neill established that Ms. Winn did not have standing in the case as her property was not directly affected by the proposed development and an attorney had not been retained to speak on anyone's behalf. Neill then asked if anyone owning property that was to be affected were present.

*Heather Swisher, 521 Genovesa Drive, Rolesville*  
Upon being sworn in by Mayor Currin, Ms. Swisher asked Mr. Fluitt if an application was ever submitted to NCDOT for access to US401 to which Mr. Fluitt responded to the negative since they were verbally told no.

Additional discussion occurred between Mr. Fluitt and the Town Board members regarding failure to apply to NCDOT for access to US401.

*Heather Swisher, 521 Genovesa Drive, Rolesville*  
Let the record show that applicant's attorney Beth Trahos objected to Ms. Swisher speaking based on a lack of standing in the case. Attorney Dave Neill overruled the objection and allowed Ms. Swisher to speak.

Ms. Swisher asked Mr. Fluitt if he was present in the reported meeting with NCDOT to which Mr. Fluitt stated he was in the telephone conversation with NCDOT District 5 Engineering Scott Wheeler when access to US401 was requested.

*Rich Kirkland, Kirkland Appraisals, 9408 Northfield Court, Raleigh, NC*  
Mr. Kirkland provided his credentials to be considered an expert witness in real estate appraisal. Mr. Kirkland was accepted by the Town as an expert witness in real estate property values. Mr. Kirkland testified that the project would not negatively impact surrounding property values. Mr. Kirkland's prepared report was distributed to Town Board members and admitted into the record as evidence. To assist the Town Board members, Mr. Kirkland verbally covered the report handed to the board members.

*Laura Holleman, McAdams, 601 Hillsborough Street, Suite 500, Raleigh, NC*  
Ms. Holleman provided her credentials to be considered an expert witness in planning and development. Ms. Holleman was accepted by the Town as an expert witness in commercial

planning and development. Ms. Holleman offered evidence to show the project meets all town ordinance requirements.

#### WITNESSES IN OPPOSITION

*Heather Swisher, 521 Genovesa Drive, Rolesville*

Ms. Swisher cited an email to NCDOT that was submitted by Maria Winn at her request.

Ms. Winn was called to the podium to witness to the email.

*Maria Winn, 1018 Virginia Water Drive, Rolesville*

Ms. Winn testified that, as President of the HOA, she emailed Assistant District Engineer Matthew Nolfo with NCDOT regarding any application made by the developer for access to US401. Mr. Nolfo responded and courtesy copied NC DOT District Engineer Jeremy Warren to notify the board members that there is no record of formal applicant to NC DOT for access to US401.

Applicant's attorney Beth Trahos objected to the email being admissible as it is not sworn testimony being offered by someone present at the hearing, therefore hearsay. Attorney Neill overruled and allowed the email for the sole purpose of evidence that no application exists with NC DOT for access to US401. The email was then read aloud by Ms. Winn. *"The Point Phases 11-13 do have frontage along US401 bypass. US401 Bypass is a controlled access facility with the intended purpose of minimizing intersections and driveways onto the roadway. This development has the ability to petition for an access point onto this controlled access facility and does not violate any of the standard, easy to see, requirements, including driveway spacing requirements, although the approval process for a break is much more complicated than just these few cursory requirements. This development has been in the works for a long time and, while it would have been logical for the developer to request direct access to US401 at the planning stages of the project, I do not have any documentation of these conversations and, after talking to the Controlled Access Committee, they have not been approached by this development about pursuing a break. It is incredibly rare for the committee to approve a motion that does not have the support of the district office, so it would have been highly unusual for them to have been approached without district support and documentation. I was not at this office when this development was engaging in these types of discussions with this development. I have reached out to my predecessor and, although he agrees it is likely the developer pursued a break in the controlled access, he does not have documentation of it. My office would need more information prior to determine if we would recommend this break and controlled access be granted. For that reason, I am hesitant to commit either way at this time."*

Ms. Swisher then noted that, under the Unified Development Ordinance (UDO) under which this proposed project is regulated due to the timing of its application, sidewalks are not required on both sides of the road. This is a concern as Ms. Swisher's children will need to cross the road twice to reach their bus stop therefore creating a traffic safety concern.

*Mike Sanchez, Civil Engineer with McAdams, 2905 Meridian Parkway, Durham*

Mr. Sanchez was recalled to answer a question posed by Commissioner Medley. Redford Place homes number 155 and Genovese 111. Mr. Sanchez spoke to additional options for ingress/egress to provide similar traffic numbers between the two streets and their homes. Mr. Sanchez was also asked to repeat his statement of 8" total clearance were two vehicles to park across from one another which Mr. Sanchez noted is against Town of Rolesville ordinances.

CLOSING STATEMENT

There being no further witnesses, Attorney Trahos provided her closing statements of how evidence has been provided to show that the proposed project meets the conditions of the required findings of facts. Ms. Trahos restated that the developer is offering to pay for additional stop signs that the Town would need to install and, when asked if the payment would include the cost of installation, the developer nodded to the affirmative.

Following concerns offered by board members on safety without sidewalks on both sides, Mr. Travis Fluitt was recalled and testified that the presence of sidewalks on one side of the street provides adequate safety for pedestrians to safely traverse the street and that the project traffic volumes will not create undo hazards for pedestrians crossing the street.

Town Attorney Dave Neill asked Mr. Fluitt if it would be appropriate to provide a crosswalk where the two subdivisions meet at the point where there would be sidewalks on either side.

Attorney Trahos approached the podium and stated that, after conferring with her client it was estimated that an estimated 350 feet of improvements at a cost of roughly \$7,500 would be needed to ensure sidewalks on both sides of Genovese and the developer is offering \$7,500 fee-in-lieu to the Town to cover the cost of pedestrian interconnection installation by the Town.

**There being no one remaining to speak, Mayor Currin closed the evidentiary hearing on Case PR20-06 at 9:36 p.m.**

**Moved by Commissioner Sutton to deny the preliminary subdivision plat based on the information presented at the evidentiary hearing with the stated reason for denial being C. that the proposed development and or use will be in harmony with scale, bulk, coverage, density, and character of the neighborhood in which it is located. I feel it does not meet that because the lot sizes are not harmonious. Motion to deny was seconded by Commissioner Medley and failed by the following vote:**

**Ayes: Sutton, Medley  
Noes: Alston, Vilga, Sneed**

**Moved by Commissioner Alston to approve the preliminary subdivision plat for PR 20-06, Point North Phases 11 – 13, based on the evidence and testimony received at the hearing to determine the Findings of Fact with the conditions that the developer provide two stop signs and \$7,500 fee-in-lieu for pedestrian improvements; seconded by Commissioner Vilga. Motion to approve carried by the following vote:**

**Ayes: Vilga, Sneed, Alston  
Noes: Sutton, Medley**

The board took a ten-minute recess and returned at 10:00 p.m.

2. Evidentiary Hearing: SUP22-07 Crossfit Rolesville.

Town Attorney Dave Neill incorporated the procedural statement for evidentiary hearings provided under the evidentiary hearing for Case PR20-06. There were no objections. Neill then conducted the voir dire of the board members. Upon receiving satisfactory answers to the voir dire from the board members, those wishing to provide testimony in the evidentiary hearing were sworn in by Mayor Currin in the absence of the Town Clerk.

**Mayor Currin opened the evidentiary hearing on Case SUP22-07 Crossfit Rolesville at 10:01 p.m.**

*Senior Planner Michael Elabarger provided the staff report*

Case SUP22-07 Crossfit Rolesville, 105 E. Young Street. Site plan request to establish new zoning use that has minimum parking requirements with removal of prior restriction that the building serve as on-site storage for a business no longer in operation. The staff report and application entered herein by reference.

*David Fothergill, Yates, McLamb & Weyher, 434 Fayetteville Street, Suite 2200, Raleigh*  
Attorney Fothergill appeared representing the applicant and provided a brief introductory statement including the project meeting all six evidentiary standards. Crossfit Rolesville has entered into an agreement with the Rolesville Baptist Church for use of 22 parking spaces in its old, church lot.

*Jon Frazier, FLM Engineering, 8951 Harvest Oaks Drive, Suite 205, Raleigh*

Mr. Frazier provided his credentials to be accepted as an expert witness in professional engineering. Mr. Frazier spoke to how the project meets each finding of facts required under the Unified Development Order (UDO).

Town Manager Kelly Arnold ask Attorney Fothergill to address noise mitigation as multiple complaints were received for Crossfit at its previous location on Rogers Road. Attorney Fothergill reported that the business would abide by the Town's noise ordinance and that there would be no outside speakers and that the doors would only be open during allowable hours under the ordinance.

Town Attorney Dave Neill cautioned the board to consider that this is an indoor recreation application with an alternative parking plan. Were Crossfit to find another location, the special use permit approved in the hearing would stay with the property with the conditions cited.

Megan Calleder, owner of Crossfit, spoke to class sizes stating that they generally cap the class size at 12 to 15.

There being no further witnesses for the applicant, nor witnesses in opposition, Attorney David Fothergill provided a closing statement.

**There being no one remaining to speak, Mayor Currin closed the evidentiary hearing at 9:48 p.m.**

Following deliberation, the board settled on requiring a maximum of 35 persons allowed to accommodate those coming and going from classes in addition to those in classes, as well as other functions.

**Moved by Commissioner Sutton to approve SP22-07, Crossfit Rolesville Site Plan and Alternative Parking Plan, with the evidence and testimony received at the evidentiary hearing to be used for determining conformance with the review standards, along with the Town's definition of fitness facility, limited to a class size of 35 and no outdoor speakers. The motion to approve was seconded by Commissioner Sneed and carried by unanimous vote**

#### D. COMMUNICATIONS



1. Communication from Town Attorney  
NONE
2. Communication from Town Manager  
NONE

3. Communication from Town Board

Mayor Currin announced that the Mayor's Show on September 8<sup>th</sup> will have North Wake Realty to speak on its change of ownership and how the real estate market stands in Rolesville. Rolesville High School Principal Phelan Perry will also be on the show.

Mayor Currin also announced his hearing that townhomes and single-family homes present the same number in future traffic studies.

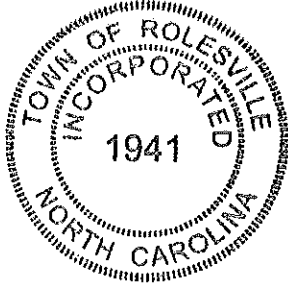
E. CLOSED SESSION

To consult with the Town Attorney in order to preserve the attorney-client privilege pursuant to NCGS 143-318.11(a)(3).


**Moved by Commissioner Sutton to go in to closed session to consult with the Town Attorney in order to preserve the attorney-client privilege pursuant to NCGS 143-318.11(a)(3); seconded by Commissioner Medley. Motion to enter closed session carried by unanimous vote at 10:55 p.m.**

F. ADJOURN

**Upon coming out of closed session at which no action was taken, it was moved by Commissioner Sutton to adjourn; seconded by Commissioner Medley. Motion to adjourn carried by unanimous vote.**



ATTEST:

  
Robin E. Peyton, Town Clerk

  
Ronnie I. Currin, Mayor

