

**TOWN OF ROLESVILLE  
REGULAR MEETING OF THE  
TOWN BOARD**

**October 1, 2019**

**MINUTES**

**PRESENT:**

Frank Eagles, Mayor	Ronnie Currin, Mayor Pro Tem
Jacky Wilson, Commissioner	Sheilah Sutton, Commissioner
Paul Vilga, Commissioner	Michelle Young-Medley, Commissioner
Amy Stevens, Finance Officer	J. G. Ferguson, Parks & Recreation Director
Danny Johnson, Planning Director	Mical McFarland, Econ. Development Manager
Orlando Soto, Police Chief	Kelly Arnold, Town Manager
David York, Town Attorney	Robin Peyton, Town Clerk

**APPROVAL OF THE AGENDA**

Mayor Frank Eagles called the Regular Meeting to order at 7:00 p.m. and led the pledge of allegiance.

**INVOCATION**

Commissioner Jacky Wilson gave the invocation.

**APPROVAL OF THE AGENDA**

Mayor Eagles called for the approval of the October 1, 2019 meeting agenda with the addition of Case PR19-01: Granite Ridge, Phase 5 Townhouses. Upon a motion by Commissioner Vilga and second by Mayor Pro Tem Currin, the October 1, 2019 meeting agenda, with noted addition, was approved by unanimous vote.

**CHAMBER OF COMMERCE REPORT**

NONE – Mayor Eagles did report that the annual Barbeque was a success.

**PUBLIC COMMENT**

NONE

**APPROVAL OF THE CONSENT AGENDA**

Upon a motion by Commissioner Sutton and second by Commissioner Wilson, the October 1 2019 consent agenda consisting of the following was approved by unanimous vote:

- Minutes of the September 3, 2019 Regular Town Board meeting.
- Minutes of the September 17, 2019 Work Session.
- Consideration of revised/corrected minutes of the August 6, 2019 Town Board Regular Meeting.
- Budget Amendment for Town Hall.
- Call for Town Board Special Meeting on October 4, 2019 at 8:00 AM – Casual Coffee UDO Discussion.
- The Pointe Special Use Permit Order with revisions.
- Call for Public Hearings: UDO TA19-07; SP19-03; SUP19-03 and SP19-01.

Town Attorney David York reported that the revised conditions for the order was included in the agenda packet for Case SUP19-03 of the Consent Agenda.

**REGULAR AGENDA**

**Continued Public Hearing (Legislative); Case MA19-02 Kalas Falls / Rogers Farm – Watkins Property, Rezoning R2-SUD & R&PUD**

*Open Public Hearing*

Mayor Eagles opened the public hearing on Case MA19-02 at 7:04 p.m.

*Continue Public Hearing*

Mayor Eagles announced that the public hearing would be continued until November 4, 2019 (Monday) Town Board Regular Meeting.

**Continued Public Hearing (Quasi-Judicial): Case SUP19-01 Kalas Falls / Rogers Farm – Watkins Property, PUD Master Plan Amendment**

*Open Public Hearing*

Mayor Eagles opened the public hearing on Case SUP19-01 at 7:05 p.m.

*Continue Public Hearing*

Mayor Eagles announced that the public hearing would be continued until November 4, 2019 (Monday) Town Board Regular Meeting.

**Public Hearing (Legislative) Case: MA19-05 – Request to Rezone 515 S. Main St. from Residential (R-1) District to Commercial Outlying – Conditional Zoning District (CO-CZ)**

*Open Public Hearing*

Mayor Eagles opened the public hearing on Case: MA19-05 at 7:06 p.m.

*Introduction by Staff*

Planning Director Danny Johnson provided information for consideration in the petition for rezoning.

*Comments from Public in Favor*

Lynda Ruiz-Orta, 525 S. Main Street (co-applicant)

Ms. Orta stated that she and her husband Benjamin Orta did not have any additional comments and that Mr. Johnson provided sufficient information as to the property and that it coincides with future land use. Ms. Orta added that the house is on the market and the intent is to pave the way for the future use of the property.

*Comments from Public in Opposition*

NONE

*Close Public Hearing*

There being no one remaining to speak, Mayor Eagles closed the public hearing on Case MA19-05 at 7:14 p.m.

Moved by Commissioner Wilson to approve Resolution 2019-R-01, Town of Rolesville Board of Commissioner's Statement of Consistency and approve Case MA19-05 as presented; seconded by Commissioner Medley. Motion carried by unanimous vote.

**Public Hearing (Quasi-Judicial) SP19-02 The Townes at Carlton Pointe Site Plan Review**

*Open Public Hearing*

Mayor Eagles opened the public hearing on SP19-02 The Townes at Carlton Pointe Site Plan Review at 8:14 p.m.

Town Attorney David York read the following statement: *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. Parties have the right to cross examine the witnesses and there is a right to present rebuttal evidence. The evidence provided by the witnesses must be competent and material. North Carolina General Statute 160A-393 prohibits a person from giving opinions about scientific, technical or other specialized*

October 1, 2019 Town Board Meeting

*subjects, unless the person, from knowledge, skills, 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 on the subject. North Carolina General Statute 160A-393 specifically prohibits opinions that "the use of 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.*

Attorney York queried the board members as to their predisposition, prior discussion with opponents, or inability to make a decision based solely on evidence presented.

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

#### *Evidence from Staff*

Planning Director Danny Johnson provided information on the site plan being proposed for approval to include required off-street parking, mail kiosks and open space(s).

#### *Evidence from Applicant*

Rick Goodman, Goodman Law Firm PA, 720B W. Hargett Street, Raleigh, NC

Attorney Goodman was present representing Carlton Pointe and proceeded to introduce the speakers providing testimony in the hearing along with reminding those present that each speaker's qualifications had previously been entered in to the record.

Mack MacIntyre answered questions regarding the size of the landscape buffer (to include an extra 20' of evergreen) which is a total of 50'.

Jim Allen, Realtor for the Carlton Pointe Development submitted earlier what developer thought the exteriors should look like and will now only be building 53 townhomes instead of 54 (one being an open space). Price ranges believed to be between \$225,000 and \$275,000. Wider lots may experience some appreciation in price on those lots as they may have 1<sup>st</sup> floor masters as well.

#### *Public in Favor*

NONE

#### *Public in Opposition*

Derrick Bryant, 302 Bendemeer Lane

Recent plans showed a huge drainage area suddenly proposed in his back yard. Mr. Bryant stated his concern the drainage will create a swamp in his yard.

Water is being drained through a facility before being discharged.

Keith Kells, CAA Engineers

Mr. Kells responded to Mr. Bryant's concern when stating any drainage would be picked up in the storm-drainage system (42" pipe) at the end of the parking lot and drained through a facility before being discharged.

When Mr. Bryant identified the area he was addressing, it was found to be pre-existing as well as underground.

Jonathan Patrick, 403 Shorthills Lane

Expressed his concerns of the water already going in to the existing catch basin at the easement near his home will be hindered by construction. Mr. Kells responded that it is not tying in to the system they are constructing.

October 1, 2019 Town Board Meeting

Any water that drains towards their site will be absorbed. When queried what would happen should it backflow in to residents' yards, the board stated its intent to hold the developer responsible.

In response to a question on how the developer can be held accountable. Mr. Johnson explained the process of stormwater management and monitoring done by Wake County and the process the developer will be going through to abide by construction requirements, bonding and warranty. The bond will stay in place and will be turned over the HOA who will eventually be responsible and will be required to do annual inspections.

*Rebuttal by Applicant*

Attorney Goodman stated having gone through and met the findings of facts during the rezoning and conditional use permit, along with two traffic studies being conducted. Attorney Goodman reported on the applicant's readiness to answer further questions.

*Close Public Hearing*

As there was no one remaining to speak, Mayor Eagles closed the public hearing on SP19-02 The Townes at Carlton Pointe at 7:56 p.m.

Moved by Commissioner Wilson to approve Resolution No 2019-R-12, Town Board of Commissioners Statement of Consistency and approve the Case: MA 19-02 as presented. The request is reasonable and in the public interest because the Residential and Planned Unit Development Conditional Zoning district (R&PUD-CZ) incorporates a mix of land-use types. The proposed conditions of the Conditional Zoning district will encourage compatibility with the surrounding area; seconded by Commissioner Medley. Motion carried by unanimous vote.

**Public Hearing (Legislative) UDO TA19-06: Text Amendment to Article 6: Supplementary District Standards**

*Open Public Hearing*

Mayor Eagles opened the public hearing on UDO TA19-06 Text Amendment to Article 6: Text Supplementary District Standards at 7:56 p.m.

*Introduction by Staff*

Planning Director Danny Johnson provided an overview of the text amendments, dealing with residential uses, mixed-use category, under the Planned Unit Development (PUD) contained in the Unified Development Ordinance (UDO) being proposed under Case: UDO TA19-06. Staff recommends approval and the Town of Rolesville Planning Board unanimously voted to recommend approval as it is in the public interest and consistent with adopted plans.

Commissioner Wilson recused himself from voting upon the case as he represents the owner of a property identified as potentially being affected by the proposed text amendments.

*Public in Favor*

NONE

*Public in Opposition*

NONE

*Close Public Hearing*

8:04 p.m.

Moved by Commissioner Vilga to approve Case UDO TA19-06 Amendment to Article 6, Supplementary District Standards, Section 6.2 R&PUD Residential Planning Unit Development District, Subsection 6.2.4 RM

Mixed-Use to revise the 6.2.4.1 Permitted Uses, 6.2.4.2 Lot Specifications Non-Residential Development and 6.2.4.3 Design Standards and Resolution 2019-R-16 Town Board of Commissioners Statement of Consistency; seconded by Mayor Pro Tem Currin. Motion carried by unanimous vote.

**Case PR19-01: Granite Ridge, Phase 5 Townhouses; Preliminary Subdivision Plat – Major Subdivision approval for 20 residential townhomes**

Planning Director Danny Johnson provide an explanation for the add-on to the Preliminary Plat under Case: PR19-01, Granite Ridge Townhomes.

Discussion was held on this exercise being removed from the ordinance to facilitate preliminary plat review and sign-off being administrative in nature in the future.

Commissioner Wilson asked to be recused from voting on Case PR19-01 Granite Ridge, Phase 5 Townhouses for appearance sake due to his involvement in original Granite Falls/Granite Ridge/Granite Crest approval process and zoning, although he is not involved currently.

Moved by Mayor Pro Tem Currin, based upon planning staff recommendation, that the proposed preliminary plat meets the standards of the Town of Rolesville Unified Development Ordinance and recommend approval; seconded by Commissioner Medley. Motion carried by unanimous vote.

**Consideration of \$12,000 Expenditure for Rolesville Logo on Water Tank**

Moved by Commissioner Wilson to authorize Town Manager Kelly Arnold to negotiate with the City of Raleigh to have both sides of the water tower painted in *tank white*, with the addition of the new Town logo and with a life-span of ten years, for up to and including a completed price of \$20,000; seconded by Commissioner Sutton. Motion carried by unanimous vote.

**COMMUNICATIONS**

Communications from Town Staff

*Finance Officer Amy Stevens reported on the following:*  
NO REPORT

*Parks & Recreation Director/Public Works Director J. G. Ferguson reported on the following:*

- Signup sheet for working the town tent for Fall Fun Fest, for one-hour increments on Saturday, October 2th will be distributed. Over 100 vendors are expected.
- October 12<sup>th</sup> will be the last movie this year. Show time is 7:00 p.m.
- New entrance way (archway) in to the Main Street Park with the new Town logo should be completed next week.

*Community and Economic Development Manager Mical McFarland reported on the following:*

- Michael Hailey, Executive Director of Wake County Economic Development will be present to speak at the October 15<sup>th</sup> Town Board Work Session.
- Mical attended a workshop in Smithfield on recruiting retail to your town and heard from Rocky Mount Chamber/Economic Development Director on their efforts.
- The Greater Raleigh Convention and Visitors Bureau is scheduling a Hotel Pitch Day in November which will provide an opportunity to meeting with hotel representatives and get the word out about Rolesville.
- A Main Street Coalition is being formed with the kickoff meeting on November 7<sup>th</sup>. The Coalition will be a volunteer group of Main Street business owners to advise on the Main Street Vision plan implementation and prepare as the Town is applying for grants to fund the project.

*Planning Director Danny Johnson reported on the following:*

- 12 single-family (between 2,500 – 3,500+ sq. ft.) home building permits were issued in the past month.
- Community transportation plan RFQ received four submittals.
- Mr. Johnson and Town Planner Caroline Richardson will be attending the North Carolina planning conference. The department will be staffed by a part-time employee in their absence.

*Police Captain Simmons reported on the following:*

- Captain Simmons reported on the birth of Police Chief Orlando Soto's baby and provided the Chief's schedule.

*Town Manager Kelly Arnold reported on the following:*

- Procedure for upcoming advisory board openings advertisements for appointments to be made in January.
- Televising of the board meetings beginning December 3<sup>rd</sup>.
- Casual coffee UDO discussion meeting(s) coming up.
- Mayor Pro Tem Currin, Commissioner Sutton, Mr. Arnold and Finance Officer Amy Stevens will be meeting with a consultant for future work towards a strategic plan.

*Town Attorney David York reported on the following:*

Mr. York provided his upcoming schedule for the benefit of the board.

*Mayor Eagles reported on the following:*

- Spoke with Bill Fletcher of the Wake County School Board Facility Chair, who stated their concern with the Town's proposed ordinance to secure school campuses in Rolesville, announced the School Board's plan on landscaping and security and asked that we delay the public hearing. Public Hearing is scheduled for November 4<sup>th</sup>. Town Mgr. Arnold recommended a school board representative make any request for delay of the public hearing in person.

*Commissioner Sutton*

Commissioner Sutton reported on her son's return from Afghanistan following a six-month deployment.

*Mayor Pro Tem Currin reported on the following:*

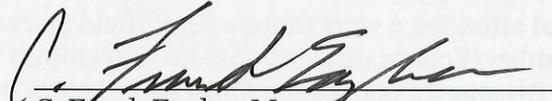
- Triangle J Council of Governments Summit to be held Thursday.

## **CLOSED SESSION**

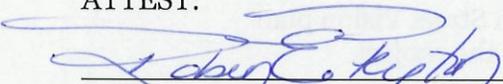
Moved by Commissioner Vilga to enter into closed session pursuant to N.C.G.S. 143-318.11(a)(3) to consult with the Town Attorney in order to preserve the attorney-client privilege and provide instruction to the Town Attorney concerning the handling of a potential claim or claims regarding a personnel matter; seconded by Mayor Pro Tem Currin. The board entered closed session at 8:52 p.m.

## **ADJOURN**

Moved by Commissioner Wilson to adjourn; seconded by Commissioner Medley. Motion carried by unanimous vote. Meeting adjourned at 9:47 p.m.

  
C. Frank Eagles, Mayor

ATTEST:

  
Robin E. Peyton, Town Clerk

October 1, 2019 Town Board Meeting  
6 | Page

