

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

November 4, 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 Sheilah Sutton gave the invocation

APPROVAL OF THE AGENDA

Mayor Eagles called for the approval of the November 4, 2019 meeting agenda with the removal of Public Hearing (Legislative) Case: UDO TA19-02 – Amendment to Article 5 of the Unified Development Ordinance (UDO): *Use and Dimensional Standards*, Section 5.5, *Accessory Uses*; amendment to add Subsection 5.5.13, *School Modular Units*. Mayor and Town Manager met with Wake County School Superintendent and head of security and the item is being addressed by contract and study group. Wake County Public Schools is to come back in May with an answer to the Town. Upon a motion by Commissioner Wilson and second by Commissioner Sutton, the November 4, 2019 meeting agenda, with noted change, was approved by unanimous vote.

CHAMBER OF COMMERCE REPORT

Noting that the Town Board will be changing in the next few weeks, Chamber Executive Director Rachel Morris thanked the seated board and distributed flowers to the female members of the board as well as for Mayor Eagles' wife Pam.

PUBLIC COMMENT

NONE

APPROVAL OF THE CONSENT AGENDA

Upon a motion by Mayor Pro Tem Currin and second by Commissioner Wilson, the November 4, 2019 consent agenda consisting of the following and with the removal of item number eight for consideration at a later date, was approved by unanimous vote:

- Minutes of the October 1, 2019 Regular Town Board meeting.
- Minutes of the October 4, 2019 Town Board UDO Coffee Conversation Meeting.
- Minutes of the October 15, 2019 Town Board Work Session
- Minutes of the October 18, 2019 Town Board UDO Coffee Conversation Meeting
- Ordinance to Amend the FY19-20 Budget Ordinance for water tower painting, Farm master plan, and IT services
- Resolution to Adopt a Purchasing Policy
- NC DOT Debris Removal Agreement

- ~~Preliminary Subdivision Plat for Case PR19-02, Barrington Phase 2 Townhouses~~
- Resolution Directing the Clerk to Investigate a Petition of Voluntary Annexation
- Resolution Recommending the Appointment of Local Wake County Review Officers
- Resolution to Adopt the Wake County Multi-Jurisdictional Hazard Mitigation Plan

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 7:06 p.m.

Introduction by Staff

Planning Director Danny Johnson recapped the material corresponding to continued, public hearing Case MA19-02.

Comments from Applicant

Jason Barron with Morningstar Law Group, 421 Fayetteville Street, #530, Raleigh, NC

Attorney Barron was present representing Prestonwood Development. Mr. Barron stated, since the last holding of the public hearing, the team has been fine tuning the rezoning conditions put forth in relation to this case. The team is also working on a letter of agreement with the neighbors in the area of the proposed development. Mr. Barron distributed the revised rezoning conditions dated November 4, 2019 and went over each in detail including the use of steel mast poles for construction of traffic signals.

Following questions regarding use of the greenway, Attorney Barron confirmed that the public (non-residents) will be allowed to park in the development and use the greenway. Revised rezoning conditions included herein by reference.

Matt Peach, Senior Traffic Engineer Stantec Engineering, 801 Jones Franklin Road, Suite 300 Raleigh, NC

Mr. Peach referenced the traffic impact analyses conducted in the affected area including six intersections from Rolesville Road to Mitchell Mill Road.

Comments from Public in Favor

Gail Stallings, 1512 Rolesville Road

Ms. Stallings stated that they have never been opposed to the development, only the density. As long as the conditions agreed to in the neighborhood meeting with Prestonwood Development were adhered to, she and her husband agree with the development.

Jeffrey Moody 7612 Sutler Drive, Raleigh, NC

Mr. Moody spoke regarding the Moody Farm which is in the area of the proposed development. Mr. Moody stated he feels comfortable with what is proposed after having met with Prestonwood Development and wished to go on record as being in support.

Sue Tucker, 7312 Featherstone Court, Wilmington, NC

Ms. Tucker owns the property on the west side of the development. After having grown up on Rolesville Road, she stated she is in support and is excited about the comprehensive plan as well.

Comments from Public in Opposition

Brenda Owen, 3808 Taviston Court

Ms. Owens stated she has concerns about making a left hand turn out of her development in the mornings on the way to work. Matt Peach responded that a driveway will be tied-in so as not to back up Rolesville Road with

installation of turn lanes and traffic signals creating natural gaps in future.

Close of Public Hearing

There being no one remaining to speak, Mayor Eagles closed the public hearing on Case MA19-02 at 8:08 p.m.

Traffic, density and the PUD definition were concerns expressed by Commissioner Sutton and Mayor Pro Tem Currin. Attorney Barron stated that his client, during a private conversation while seated, would agree to lower the density to 550 from 595. It was noted that, should this project be voted down, another project could come in at a later date having a larger density.

Moved by Commissioner Vilga to approve Resolution 2019-R-12, Town Board of Commissioners Statement of Consistency, and approve the Case: MA19-02 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, confirming the adoption of the newly revised conditions dated November 4, 2019, also including the agreed to condition of the steel mast arm construction of the traffic signals and the lowered density; seconded by Commissioner Medley. Motion carried by the following vote:

Ayes: Medley, Vilga, Wilson

Noes: Currin, Sutton

Since the ordinance associated with the case received a simple majority vote (not a super majority) it will need to be voted upon again during the next meeting, thus effecting Case SUP19-01 being held in conjunction with MA19-02. Case SUP19-01 must therefore be continued until 11/19.

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 8:33 p.m.

The public hearing was continued until November 19, 2019.

Public Hearing (Legislative) UDO-TA19-07 Amendment to Article 10 of the Unified Development Ordinance (UDO): *Parking and Loading Requirements; Section 10.1 Off-Street Parking Requirement, Subsection 10.1.4 to 110.1.6*

Open Public Hearing

Mayor Eagles opened the public hearing on UDO TA19-07 at 8:45 p.m.

Introduction by Staff

Planning Director Danny Johnson introduced the text amendment being prompted via a petition from a resident. Mr. Johnson reported on the Planning Board's recommendation for approval as well as that of staff.

Public in Favor

Mark Phillips, Project Manager, Pabst Design Group, 404-B Glenwood Avenue, Raleigh, NC

Mr. Phillips announced his presence to answer questions pertaining to landscape architecture.

Close Public Hearing

As there was no one remaining to speak, Mayor Eagles closed the public hearing on UDO TA19-07 at 8:51 p.m.

Moved by Commissioner Wilson to approve UDO Text Amendment 19-07: *Parking and Loading Requirements Section 10.1 Off-Street Parking Requirement*; Subsection 10.1.4 to 10.1.6. Resolution No. 2019-R-20 Town Board of Commissioners Statement of Consistency TA19-0-7 Text Amendment Application; seconded by Commissioner Sutton. Motion carried by unanimous vote.

Public Hearing (Quasi-Judicial) SP19-03 – 101 and 115 Redford Place Drive, Site Plan Review

Open Public Hearing

Mayor Eagles opened the public hearing on Case: SP19-03 at 8:52 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 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 an overview of the site plan under review. Discussion was held on the removal of the existing median which will be recreated to block left hand turns coming out of Hardees on to Redford Place Drive. The Mayor and Commissioners foresaw an issue with the design as it may create more traffic in the Food Lion parking lot as well as possible issues crossing Redford Place Drive to get to the medical building. It was noted that the applicant is requesting streetscape buffer reductions and are challenging the requirement of 98 parking spaces.

Evidence from the Applicant

Worth Mills, Longleaf Law Partners, 2235 Gateway Access Point, Suite 203, Raleigh, NC

Attorney Mills asked Planning Director Danny Johnson the following questions to which Mr. Johnson answered to the affirmative:

- In your professional opinion, does the proposed development generally conform to the comprehensive plan and other official plans adopted by the Town?
- In your professional opinion, does the proposed development comply with all applicable requirements of this ordinance, except for the three that we are here to discuss?

Mark Phillips, Pabst Design Group, 404-B Glenwood Avenue, Raleigh, NC

Mr. Phillips provided his credentials to be considered an expert witness in the public hearing and described his role on the project. Mr. Phillips reported on the adequacy of both buffers and, when addressing water and sewer, explained that a bio-retention pond will be on site in the southeast corner as well as a subsurface pipe for slowing down the detention of the water runoff.

Matt Peach, Stantec Senior Engineer

Mr. Peach provided his qualifications to speak as an expert witness under the quasi-judicial hearing on the Case. Mr. Peach then reported he had received a concurrence email from NC DOT stating that it agrees with the results of the traffic study conducted by Stantec.

Following concerns expressed regarding traffic upon considering the proposed median, Commissioner Vilga interjected with a suggested right in right out entry to the existing round-a-bout.

Mike Hancock, 3641 Dorchester Boulevard, Rocky Mount, NC

Speaking in opposition, Mr. Hancock, owner of the existing Hardees, expressed his opinion that the proposed traffic plan would not be optimal.

Rebuttal by Applicant

Attorney Mills objected to any testimony being provided by Mr. Hancock with respect to traffic flow as he could not be considered an expert witness on transportation under the standards of a quasi-judicial hearing.

Kelly Arnold, Town Manager

After being sworn in by the Clerk, Mr. Arnold asked the applicant if a decision is made for another type of traffic control, would it change their decision on the project. The answer provided was no it would not but would be contingent on the level of expense. Mr. Arnold recommended the median be removed and the striping redone knowing that, should the board decide to choose an alternate type of traffic control, it recognize that it would be at the Town's expense.

Moved by Commissioner Wilson to approve public hearing Case SP19-03: 101 and 105 Redford Place Drive Site Plan with the evidence and testimony received at the hearing to determine the findings of fact and grant the three requests; streetscape buffer reduction, side property line landscape buffer and reduction of required off-street parking requirements as shown on the submitted site plan with the site plan conditions offered by the applicant with the addition of the removal of the median and maintaining striping; seconded by Mayor Pro Tem Currin. Motion carried by unanimous vote.

Mayor Eagles closed the public hearing on Case SP19-03 at 10:00 p.m.

Public Hearing (Quasi-Judicial) SUP19-03 – Elizabeth Springs Subdivision 2nd Planned Unit Development (PUD) Master Plan Amendment.

Open Public Hearing

Mayor Eagles opened the public hearing on Case SUP19-03 and Public Hearing (Quasi-Judicial) SP19-01 – Elizabeth Springs Subdivision – Tract B Site Plan Review for 98 Proposed Townhomes at 10:01 p.m.

Evidence from Staff

Planning Director Danny Johnson provided an overview of Case SP19-01 Site Plan Review of 98 Townhomes at Elizabeth Springs Subdivision. Mr. Johnson reported that the Technical Review Committee (TRC) as well as staff recommend approval.

Evidence from Applicant

Bob Brady, Brady Law PLLC, 160 Iowa Lane, Suite #104, Cary, NC

Attorney Brady introduced the speaker representing the applicant.

Tyler Probst, Project Engineer, Batemen Civil Survey, 2524 Reliance Avenue, Apex, NC

Mr. Probst provided his qualifications and remained at the podium to take questions.

Gaye Orr, President of Caldwell Banker Advantage New Homes 7521 Mourning Dove, Suite 104, Raleigh, NC
Ms. Orr provided her qualifications and remained at the podium to take questions.

Travis Fluitt, Professional Traffic Engineer with Kimley-Horne & Associates, 421 Fayetteville Street, Suite 600 , Raleigh, NC

Mr. Fluitt provided his qualifications and remained at the podium to take questions.

Mr. Corey Smith representing the Builder/Developer

Mr. Smith provided information on the timeline of the phases.

Moved by Commissioner Wilson to approve public hearing Case SP19-03, Elizabeth Springs 2nd Planned Unit Development (PUD) Master Plan Amendment for phasing the plan of the development and phasing plan for street improvements of Averette Road based on the evidence and testimony received at the hearing to determine the findings of fact; seconded by Mayor Pro Tem Currin. Motion carried by unanimous vote.

Public Hearing (Quasi-Judicial) SP19-01 – Elizabeth Springs Subdivision – Tract B Site Plan Review for 98 Proposed Townhomes

Moved by Commissioner Wilson to approve public hearing Case SP19-01, Elizabeth Springs Townhomes Site Plan with the evidence and testimony received at the hearing to determine the findings of fact; seconded by Commissioner Vilga. Motion carried by unanimous vote.

Close of Public Hearings

There being no one remaining to speak, Mayor Eagles closed the public hearing on Case SUP19-03 and SP19-01 at 10:26 p.m.

COMMUNICATIONS

Town Manager Kelly Arnold reported on the following:

- Beginning the November 19th Town Board Work Session at 6:00 with sandwiches provided. The Audit results will be presented as well as a debt study presentation.
- Request for Closed Session for potential purchase of property.


ADJOURN

Moved by Commissioner Wilson to adjourn; seconded by Commissioner Medley. Motion carried by unanimous vote. Meeting adjourned at 10:29 p.m.



Ronnie I. Currin, Mayor

ATTEST:



Robin E. Peyton, Town Clerk

