



Town Board Meeting
June 2, 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
Comm & Econ Dev. Mgr. Mical McFarland

1. Pledge of Allegiance

Mayor Currin led the Pledge of Allegiance

2. Invocation

Commissioner April Sneed gave the invocation

Mayor Currin read aloud his most recent Mayor's Message which was sent out in an eBlast and posted on the Town website:

<https://www.rolesvillenc.gov/news/mayors-message-june-2>. His message touched on Memorial Day, the newly hung military banners on Granite Falls Boulevard, and the letter he signed along with 70 other North Carolina Mayors which spoke to the injustice in the death of George Floyd.

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

Moved by Commissioner Wilson to approve the meeting agenda as presented; seconded by Commissioner Sneed. Motion carried by unanimous vote.

4. Introduction of New Employees – Julie Spriggs (Planner II) & Valencia Wagner (Intern).

Mayor Currin introduced Julie Spriggs and Valencia Wagner by reading their bios and giving both an opportunity to speak.

5. Public Invited to be Heard:

a. *Charles Flournoy, 100 Watkins Farm Road, Rolesville*

Mr. Flournoy stated his pleasure in the contents of this days eBlast which contained the Mayor's message and a letter from Rolesville Police Chief Soto's detailing plans to handle any current and future unrest. Mr. Flournoy also spoke about culverts on his neighbor's property which were notably clogged during recent heavy rains. In closing Mr. Flournoy described his cleaning out three culverts in the past despite recent hernia surgery.

b. *Gail Stallings, 1512 Rolesville Road, Wake Forest*

Ms. Stallings came to contest the calling for a Public Hearing on Case ANX20-03: Hopper Communities – Wheeler Property/Rolesville & Mitchell Mill Roads during both the COVID-19 restrictions and curfews instated during protests. Ms. Stallings reported that her numerous neighbors have great interest in the case but feel unable to come and speak freely.

B. CONSENT AGENDA

Prior to any motion on the consent agenda, Commissioner Medley asked the Town Attorney to explain the process for voluntary annexation following Ms. Stalling's comments under Public Comment.

Moved by Commissioner Wilson to approve the Consent Agenda as presented and consisting of the following:

1. Minutes of the May 5, 2020 Town Board Regular Meeting and May 19, 220 Town Board Regular Meeting.
2. Budget Amendment Ordinance 2020-BA-04: Budget Amendments for FY19-20.
3. City of Raleigh Utility Customer Assistance Program Renewal
4. GFL Contract Amendment for Recycling
5. Resolution 220-R-10: Resolution Accepting Streets According to Powell Bill Certified Statement.
6. Call for Public Hearing for July 7, 2020. Case: ANX20-02 – A Voluntary Annexation Petition Made by David Evans and Wife, 3608 Foxwild Lane.
 - a. Resolution 2020-R-11: Resolution Directing the Town Clerk to Investigate the Sufficiency of the Petition.
7. Direct Town Clerk to Investigate the Sufficiency of Voluntary Annexation Case ANX20-03: Hopper Communities – Wheeler Property/Rolesville & Mitchell Mill Roads.

Following a question posed by Commissioner Sutton on the GFL Contract Amendment for Recycling regarding possible future increases, the motion was seconded by Commissioner Vilga and carried by unanimous vote.

C. ITEMS OF BUSINESS

1. Public Hearing (Quasi-Judicial) Case: SUP19-02 – A-Master Team Mixed-Use Master Plan – CO-SUD District (Townhomes/Commercial) and Townhomes Detail Site Plan

Commissioner Wilson requested he be recused based upon his professional relationship with the development team involved in the case. Commissioner Wilson's

recusal was accepted by all board members and Commissioner Wilson departed from the council chambers.

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.

Open Public Hearing

Mayor Currin opened by the public hearing on Case: SUP19-02 at 7:38 p.m.

Introduction by Staff

Planning Director Danny Johnson provided background and introductory information on the case to include alternate plans for ingress/egress from the townhomes to Rogers Road which is a departure from the plan to construct a connector street to S. Main Street.

The applicant was given opportunity to ask any remaining questions of staff. No questions were posed.

Evidence from Applicant

Thurston Debnam, Smith Debnam, Attorneys at Law, 461 Six Forks Road, Raleigh
Mr. Debnam, attorney for the applicant, provided his credentials as pertains to land use cases and introduced Johnny Edwards, designer for the project under hearing.

Johnny Edwards, PE, PLS, Owner & CEO of John A. Edwards & Company, Consulting Engineers and Land Surveyors, 333 Wade Avenue, Raleigh

Mr. Edwards provided his credentials to be a material witness in the hearing and provide affirmative answers to the following questions from Debnam in order to establish the project having met the town's development requirements:

- a. Do all the streets within the property accommodate fire trucks and rescue vehicles?
- b. Are fire hydrants located throughout as required by ordinances?
- c. To the best of your knowledge, does the design of the development comply with all the public health and safety ordinances of the Town of Rolesville?
- d. To the best of your knowledge, does the proposed development or use generally conform with the Comprehensive Plan and other plans adopted by the Town of Rolesville?
- e. To the best of your knowledge, is the proposed development appropriately located with respect to transportation facilities, water and sewer supply, fire and police protection and similar facilities?
- f. Is the proposed development and use of this property generally in compliance with all applicable requirements of the ordinances of the Town of Rolesville?
- g. Debnam then asked Edwards how many projects he has supervised and engineered in his career that were in the Town of Rolesville to which Edwards responded 10 or 15.

Debnam introduced the traffic engineer following his comment that it was understood that the project did not require a traffic impact analysis or study but the developer decided that it was a good idea to have that anyway.

Stephen Greene, PE, Ramey Kemp & Associates, 5808 Faringdon Place, Raleigh

Mr. Greene provided his credentials and provided answers to the following questions posed to him by Debnam:

- a. Did your company undertake a traffic impact analysis?
A: *We did a trip generation letter/consultation letter to the town staff and NCDOT.*
- b. Is it your understanding that the size of his project does not actually require such an analysis?
A: *Correct, the trip generation showed that.*
- c. Are you familiar with the traffic pattern and plan that has been developed and proposed for this particular subdivision?
A: *Yes sir.*
- d. In your opinion would the proposed development or use cause any undue traffic congestion or create a traffic hazard?
A: *No sir.*

Hal Perry, Developer, 6200 Falls of the Neuse Road, Raleigh

Mr. Perry answered the following questions from Attorney Debnam in the following manner:

- a. What is your occupation and what has it been?

A: *Real Estate broker for almost 35-years and a developer for approximately 20 of those. My primary developments are in residential although I have done commercial and some hotels.*

b. Which projects have you developed in the town of Rolesville?

A: *From memory Granite Crest, Granite Falls, Granite Ridge, The Grande at Granite Falls and Granite Falls Apartments, as well as Granite Falls Swim & Athletic Club.*

c. In your occupation, as a real estate broker and as a developer are you familiar generally with real estate values in the town of Rolesville and surrounding area?

A: *I am.*

d. Is it your opinion that the proposed development would not substantially injure the value of adjoining properties?

A: *That is my opinion, yes.*

Attorney Debnam completed the applicant evidence submission by stating that two plans for traffic handling have been submitted and the applicant/developer is fine with either.

Public in Favor

Mike McCroy 5416 Thornburg Drive, Wake Forest

Mr. McCroy voiced his being in favor of the townhome project but expressed his disapproval of the proposed connector street from the townhomes to S. Main Street on the basis of his being the owner of the *Coffee Lodge* which, in his statement, would be negatively impacted by high-speed cut throughs and pose difficulty for patrons to enter and exist.

Commissioner Sutton asked Mr. Johnny Edwards to address the applicant's and the plan's stance on saving trees. Mr. Edwards reported no commitment was made to save trees but that better trees were being included in the landscape plan than are currently existing on the property. Commissioner Sutton expressed her concern that the landscaping looks sparse on the South side of the property (along the tot-lot).

Katina Beasley, 416 Leighann Ridge Lane

Ms. Beasley expressed her concern for traffic and parking as a resident in the area. Mr. Hall Perry responded that the traffic will not affect Leighann Ridge Lane or Morgan Way, the two streets upon which Ms. Beasley indicated she traveled.

There being no one remaining to speak, Mayor Currin closed the public hearing on Case: SUP19-02 at 8:46 p.m.

Moved by Commissioner Sutton to approve the project without the connector street to S. Main Street; seconded by Commissioner Medley. Motion carried by unanimous vote.

Commissioner Jacky Wilson rejoined the board at the dais at this time.

2. Public Hearing Case: SP19-04 – Rolesville CrossFit Site Plan: Mayor Currin opened the public hearing on Case: SP19-04: CrossFit Site Plan at 8:50 p.m.

Town Attorney Dave Neill asked the following questions of the members of the Town Board:

- 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.

Evidence from Staff

Planning Director Danny Johnson provided an historical overview and brief introduction for the case under public hearing.

Mayor Currin asked Mr. Johnson to clarify the parking as the building could conceivably be used for another purpose in future. Mr. Johnson responded that the proposed plans are stricter therefore plenty of parking would be available in future if the building were used for a purpose such as retail.

Evidence from Applicant:

David Fothergill, Yates, McLamb and Weyher 434 Fayetteville Street, Suite 2200, Raleigh, N.C. 27601

Mr. Fothergill, counsel for the applicant, stated that there was no further evidence to be submitted at this time and the applicant is present to answer any questions from the board and staff. The applicant chooses to rely on the presentation provided by staff as well as the previously submitted plans.

Jon Frazier, Civil Engineer with FLM Engineering.

In response to Commissioner Vilga's question, Mr. Frazier stated that there would be a mezzanine level that would comprise the second level of the building plan.

Commissioner Wilson asked if any blasting were to occur, that neighboring property owners would need to be notified of. Mr. Frazier responded that he did not anticipate having to do any blasting.

Mark McArn, McArn Realty LLC, 403 N. Cheatham Street, Franklinton

Mr. McArn responded to a question posed by Commissioner Medley regarding plans for a 100' riparian buffer to abate noise.

Town Manager Kelly Arnold had Mr. McArn confirm that there would be no loud music outside the building or garage area. McArn stated his agreement.

PUBLIC IN FAVOR

NONE

PUBLIC IN OPPOSITION

NONE

There being no one remaining to speak, Mayor Currin closed the public hearing on Case: SP19-04 at 9:04 p.m.

Moved by Commissioner Sutton to approve Case SP19-04; seconded by Commissioner Medley.

Commissioner Sutton provided a substitute motion to approve Case SP19-04, with the understanding that there will be no outdoor electronic speakers, seconded by Commissioner Medley. Motion carried by unanimous vote.

The board took a brief recess at this time and returned to open session at 9:14 p.m.

3. Public Hearing: Economic Development Expenditures.

Mayor Currin opened the public hearing on Open Economic Development Initiatives at 9:14 p.m.

Introduction from Staff

Finance Director Amy Stevens provided information on the general statutes that govern the approval of Economic Development expenditures and adoption of the annual budget. Proposed Economic Development Initiative expenditures are just over \$146K for the purpose of business development and the implementation the Economic Development Strategic Plan.

PUBLIC IN FAVOR

NONE

PUBLIC IN OPPOSITION

NONE

No motion needed at this time as the expenditures are included as part of the proposed budget.

Mayor Currin closed public hearing on Economic Development Initiatives at 9:16 p.m.

4. Public Hearing: FY22-2021 Proposed Budget.

Mayor Currin opened the public hearing on the proposed budget at 9:16 p.m.

Finance Director Amy Stevens reported that the FY2020/21 proposed budget was created using the new Strategic Plan and includes planned use of fund balance in the amount of \$500K for land acquisition for possible future Public Works building depending on future economic situations. The board is being asked to perform the following in addition to adopting the proposed budget.

- a. Consideration of adoption of FY2020-2021 Proposed Budget Ordinance 2020-O-03
- b. Authorize Wake County Department of Revenue to Levy and Collect Property Taxes
- c. Consideration of Adoption of Capital Project Ordinance 2020-O-04: East Young Street Sidewalk #2
- d. Consideration of Adoption of Capital Project Ordinance 2020-O-05: Main Street Vision Plan

Closed Public Hearing 10:08 p.m.

The board declined to act on adoption of the proposed budget choosing to table the matter for further discussion during its meeting on June 16th.

D. ADJOURNMENT

Moved by Commissioner Wilson to adjourn, seconded by Commissioner Medley. Motion carried by unanimous vote. Meeting adjourned at 10:09 p.m.

Ronnie E. Currin, Mayor

ATTEST:

Robin E. Peyton, Town Clerk

