



Minutes

PRESENT: Ronnie Currin, Mayor
Jacky Wilson, Commissioner
Paul Vilga, Commissioner
Kelly Arnold, Town Manager
Julie Spriggs, Town Planner
Jason Brown, Planning Director
David Simmons, Chief of Police
Mical McFarland, Comm & Econ Dev Director

Michelle Medley, Mayor Pro Tem
Sheilah Sutton, Commissioner
April Sneed, Commissioner
Robin Peyton, Town Clerk
Dave Neill, Town Attorney
Amy Stevens, Finance Director
J.G. Ferguson, Parks & Recreation Dir

A. CALL TO ORDER

1. Pledge of Allegiance
Mayor Currin led the Pledge of Allegiance
2. Invocation
Commissioner Wilson gave the invocation
3. Citizen Recognition – Ms. Hilary Stec was recognized for her work in collecting trash along the roads in the area of her subdivision Carlton Pointe. Ms. Stec was provided a token of appreciation and commended by Mayor Ronnie Currin.
4. Introduction of New Town Employees
 - J.G. Ferguson introduced Madison Berry, Program Coordinator for the Parks & Recreation Department and Eric Brantly, the newest addition to the Public Works Department.
 - Kelly Arnold introduced Lisa Alston, Human Resource Director.
5. Review of Agenda by the Board and Addition/Changes of Items of New Business to the Agenda for Consideration.
6. Board Liaison Reports
 - Mayor Pro Tem Medley – Planning Board
 - No meeting held in prior month, therefore nothing to report.
 - Commissioner Sutton – Economic Development
 - Economic Development group met on June 8th to work on a vision statement.
 - Commissioner Sutton attended a field trip to Holly Springs to learn about the town's economic development efforts.
 - Commissioner Sutton encouraged giving attention to Chamber of Commerce Events, the local Farmers Market and speaking with business owners about Rolesville.

- Commissioner Vilga – Parks & Recreation Advisory Board
 - The group discussed the farm update coming in the near future as well as:
 - Proposed bond issue.
 - Questions on the Cobblestone Community Center plans.
 - New members coming onboard.

- Commissioner Wilson – Public Safety
 - Working on merger with the Fire Department
 - Members of the Fire Department are to respond to the proposed merger agreement soon.
 - Kelly Arnold added that the town website has been updated to reflect meetings held and other activity regarding the proposed merger.

- Commissioner Sneed – North Carolina League of Municipalities.
 - There have been no updates from the league therefore no report was available.

7. Public Invited to be Heard
NONE

B. CONSENT AGENDA

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

1. Town Board Meeting Minutes
 - a. June 1, 2021 Regular Town Board Meeting.
 - b. June 15, 2021 Regular Town Board Meeting/Workshop.
 - c. June 18, 2021 Town Board Field Trip to Holly Springs.

2. Resolution 2021-R-27: Powell Bill Map/Street Acceptance.

3. Resolution 2021-R-28: Northeast Area Study Endorsement.

4. Resolution 2021-R-29: Review Officer Certification.

5. ANX21-01 - 2216 Wait Ave. Pulte Homes Annexation Petition, Clerks Certification and Set Public Hearing.

6. ANX21-02 – Rolesville Road & Amazon Trail, Wake County. Moody/Hollingsworth Annexation Petition. Clerks Certification and Set Public Hearing.

Motion to approve the Consent Agenda as presented seconded by Commissioner Sutton and carried by unanimous vote.

C. BOARD ACTION

1. Continued Public Hearing: ANX20-06: Contiguous voluntary annexation petition by JA2GA, LLC for 13.102 acres located at 2005 and 2033 Wait Avenue.

Planner Julie Spriggs introduced Case: ANX20-06 and pointed out that the case for

potential zoning of the property under consideration for annexation follows on the agenda. Should the annexation not be approved, the public hearing on Case: MA20-04 will not be held.

Public in Favor

Chase Massey with FLM Engineer, 8218 Creedmoor Road, Raleigh, NC

Mr. Massey, Engineer was present to provide additional information on behalf of the applicant.

Public in Opposition

Bernard Hagerty, 1417 Carrie May Lane, Wake Forest.

Mr. Hagerty requested clarification annexation being separate from zoning and how the two cases are linked.

Town Attorney Dave Neill explained to Mr. Hagerty that it has been the practice of the Town of Rolesville to take the annexation and map amendment cases on a piece of property together. The applicant can withdrawal their application at any time before the vote on the annexation. If the annexation is approved, there is no backing out of the zoning application requirement and the applicant would need to ask for a reconsideration which may or may not be approved. No town has the ability to de-annex.

Max Steelman, 2001 Wait Avenue, Wake Forest, NC

Requesting a change to the plans showing a curb and gutter extending in to the existing shared easement. Requesting his 400' of Leland Cypress protected. Dead end does not indicate any way to prevent water runoff onto this property. Mr. Steelman stated his internet connection junction box may be effective as well as the Wake Electric easement providing power to his home. Would rather see an R-1 zoning rather than an R-3. R-3 would put people on 12 acres with very few amenities.

Marian Kirchoff, 1413 Carrie Mae Lane, Wake Forest, NC

Shares 380' with the property line adjoining the property under consideration. Property was named "Under the Oaks" due to the large oak trees which potential removal shown on preliminary sketch is a concern as well as effect on area wildlife. Ms. Kirchoff provided a PowerPoint slide on her concerns. Presentation included herein by reference.

Bernard Haggerty, 1417 Carrie Mae Lane, Wake Forest, NC

Spoke on behalf of Elizabeth Henley who could not be present. Concerned for the developer squeezing 77 townhomes on the property and the two entrances initially being requested, not being constructed. Ingress and egress along with the Thales Academy daily traffic onto and off of the two-lane highway is a concern as well as emergency vehicle access. Pedestrian safety issues would not be in harmony with Rolesville's future plans for walkability. NCDOT does not plan to improve the highway until 2045. No plans to provide adequate fencing to prevent noise and light pollution.

Ellen Weinel, 1420 Carrie Mae Lane, Wake Forest, NC

One of the first residents in the existing neighborhood. All homes are custom built with tree preservation taken in to consideration. The reason the subdivision is named Wind Stone Park is because there is granite on the land and it is park-like. As a home health care worker, Ms. ?? states she has been in numerous high-density neighborhoods like what is being considered and normally the homes are close to town and look like surrounding homes in adjoining subdivisions with the townhomes in the interior of the subdivision, not on the adjoining owners' property lines like in the proposed project. The arborvitae the

developer plans to plant are known to be invasive to septic systems like those on adjoining properties.

Liz May, 1416 Carrie Mae Lane, Wake Forest, NC

Ms. May spoke on the staff report on page 41 of the agenda packet provided online for the meeting. The report showed the area under consideration being conditioned for single-family homes. No plans to widen Wait Avenue until 2045. None of the Rolesville Moves plans are met by the proposed project. Traffic and safety will be a concern.

Sandy Matthews, 409 Rocky Ridge Road

Ms. Matthews requested a zoning of R-1 to be more in harmony with the low density residential zoning of the properties adjoining the proposed project.

There being no one from the public remaining to speak, Mayor Currin closed the public hearings at 9:01 p.m.

Moved by Commissioner Wilson to approve the voluntary annexation petition for the 13-acres located at 2005 and 2033 Wait Avenue contingent on approval of the next captioned case; seconded by Mayor Pro Tem Medley.

Upon further discussion, the motion and second to approve case ANX20-6 was withdrawn by Commissioner Wilson and Mayor Pro Tem Medley.

Following response by Chase Massey with FLM Engineering, Engineer for the applicant, and deliberation by the board signaling a lack of support to the applicant; the applicant withdrew the application for annexation and subsequent zoning application. Application withdrawn at 9:13 p.m.

2. Continued Public Hearing: MA20-04 Unified Development Ordinance Map Amendment for 13.102 acres located at 2005 and 2033 Wait Avenue for R-III-Conditional Zoning.

Application withdrawn subsequent to case above.

The Town Board took at short recess at 9:20 p.m.

Mayor Currin called the meeting back to order at 9:25 p.m.

3. Evidentiary Hearing: SP21-01: Cobblestone Crossing Site Plan, Alternative Parking Plan, and Alternative Design Plan.

Town Attorney Dave Neill recited the following: *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 this hearing and site visits by the board if any. Witnesses must testify under oath or affirmation. The parties may be represented by legal counsel. The parties have the right to cross exam witnesses. The parties have a right to object to improper testimony or evidence. There is a right to present rebuttal evidence. All evidence provided by witnesses must be competent and material. Unduly repetitious or irrelevant testimony may be barred by the chair or in this case, the Mayor. An attorney or party wishing to cross exam a witness shall arise and wait to be recognized. Normally witness may testify only as 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 to the board. Unless the witness is an expert on the subject, North Carolina General Statute 160D14.02 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. A board member shall not participate in this hearing if the member has a fixed opinion prior to hearing that is not susceptible to change, has engaged in undisclosed ex-parte communications, has a close familial, business or other associational relationship with the applicant or an effected person; or has a financial interest in the outcome of the matter.

At this time the Town Attorney queried the board members as to predispositions, prior discussions, associational relationships, financial interests, site visits or conflicts of interest with regard to the property under consideration. Hearing only satisfactory answers from the board, Mayor Currin swore in those persons wishing to provide testimony.

Mayor Currin opened the evidentiary hearing on Case SP21-01: Cobblestone Crossing Site Plan, Alternative Parking Plan, and Alternative Design Plan at 9:28 p.m.

Planner Julie Spriggs introduced Case: SP21-01, provided information on the recombination of parcels; conformance to the comprehensive plan; traffic impact analysis conducted and as reviewed by Ramey-Kemp & Associates; and concurrence with the planned Burlington-Mills realignment.

Evidence from Applicant and Applicant Witnesses

Marty Bizzell, Project Engineering, 631 Chapel Hill Road, Raleigh, NC

Mr. Bizzell introduced project team personnel: Kenyan Burnham, Vice President of KDM Development; Charles Hassinger, Project Manager of KDM Development; Gary Walston, Planner and Landscape Architect with Bizzell Engineering; Jason Letty, Architect with Klein Designs and Kevin Williams, Architect with Klein Designs.

Mr. Bizzell provided a PowerPoint presentation which gave a future view of what the project may look like.

Mr. Bizzell was asked how much leeway the plan provides to possibly accommodate a basketball court in the community center building. Mr. Bizzell stated there is some wiggle room. Also, the retention pond near building #7, along the property line, there exists numerous old trees that are desired to be kept.

Mr. Bizzell said the goal is to take out as few trees as possible.

In addition, it was asked if the town gets any improvement for use of the overflow parking lot in the park. If the lot identified in green was not chosen then \$50K would possibly be given by Cobblestone Crossing to pave lots.

There being no one remaining to speak, Mayor Currin closed the evidentiary hearing on Case SP21-01 at 10:24 p.m.

Prior to any vote, Town Attorney Dave Neill listed additional conditions discussed that may be imposed:

- a. The approval is subject to final Technical Review Committee approval.
- b. The approval is subject to an updated Traffic Impact Analysis which is reportedly in process.
- c. Interconnectivity proposed requirement.
- d. 2nd point of access for the greenway following best efforts to acquire a right of access across the tower site.
- e. The applicant is proposing contributing \$50K towards off-site parking improvements or to convert the LAPP grant temporary parking (green lot shown) to a permanent parking location to meet the development agreement provision for off-site parking.

Motion on the hearing was tabled at 10:40 p.m. in order to receive direction in writing for a motion to approve.

4. **Public Hearing: SUP21-01: Preserve at Jones Dairy, Residential Planned Unit Development (R&PUD), Phasing Plan.**

Mayor Currin opened the public hearing on Case: SUP21-01 at 10:43 p.m.

The script was waived from being read aloud as the attorney for the hearing was present during the previously held hearing's reading and the attorney has confirmed instructing his client on his rights under the evidentiary hearing. The hearing is to consider amendments to a previously approved site plan.

The board members were queried as to predispositions, prior discussions, associational relationships, financial interests, site visits or conflicts of interest with regard to the property under consideration followed by Mayor Currin swearing in those persons wishing to provide testimony.

Jason Brown, Planning Director, introduced Case SUP21-01: Preserve at Jones Dairy, R&PUD Phasing Plan and provided background information.

Testimony from Applicant

Ken Edwards, Gordon & Edwards Law Firm, 900 Richfield Drive, Suite 150, Raleigh, NC 27609

Mr. Edwards, attorney for the applicant, explained that phasing is the order in which lots are recorded therefore the request is to revise the maps according to phasing. He then called his first witness and asked questions relative to required conditions for approval.

Mac MacIntyre, 4932 Windy Hill Drive, Suite B, Raleigh, NC

Mr. MacIntyre provided his credentials to be an expert witness in the hearing.

1. Does the proposed phasing change for the development in any way materially endanger public health or safety to which MacIntyre responded with no.
2. Does the proposed phasing change for the development substantially injure the value of any adjoining properties. MacIntyre responded with no.
3. Is the proposed phasing change for the development in harmony with the scale, bulk, coverage, density and character of surrounding areas?
MacIntyre responded with yes.

4. Will the proposed development change or phasing change conform to the Town of Rolesville Comprehensive Plan and other adopted plans? MacIntyre responded with yes.
5. Is the proposed development and phasing change appropriately located with respect to transportation facilities, water and sewer supply, fire and police protection and similar facilities? MacIntyre responded with yes.
6. Will the proposed development phasing change cause any undue traffic congestion to the best of your knowledge? Or will traffic change any way from the previous year? MacIntyre responded with no.
7. Will the proposed phasing change comply with applicable requirements of the UDO? MacIntyre responded with yes.

Attorney Edwards called the second witness for the applicant and asked the witness questions relative to required conditions for approval.

Rynal Stephenson, Ramey-Kemp & Associates, 5808 Faringdon place, Suite 100 Raleigh 27609

1. Is the proposed development and phasing change appropriately located with respect to transportation facilities, water and sewer supply, fire and police protection and similar facilities? Stevenson responded with yes.
2. Will the proposed development phasing change cause any undue traffic congestion or create a traffic hazard? Stevenson responded with no.

Public in Opposition

George Garcia, 524 Averette Road, Wake Forest, NC

Mr. Garcia spoke regarding his concern that the prior administration kept him from neighborhood meeting held previously for this project due to the within 200' adjacent land owner notification policy. This hearing contains review of traffic improvements some of which will affect his property, namely the turning lane. When NCDOT was contacted to ask if they had reviewed the plans, NCDOT said it was still under review.

There being no one remaining to speak, Mayor Currin closed the public hearing on Case SUP21-01 at 11:03 p.m.

Moved by Commissioner Wilson to approve the Special Use Permit under Case SUP21-01 and find that the necessary findings of fact have been met, based upon the testimony provided at the evidentiary hearing; seconded by Commissioner Sutton. Motion to approve carried by unanimous vote.

Due to time constraints, the board waived the following agenda items:

- ~~5. Appointments to Advisory Boards.~~
 - ~~A. Commissioners Medley & Wilson — Planning Board~~
 - ~~B. Commissioners Sutton & Vilga — Parks & Recreation Advisory Board~~
 - ~~C. Mayor Currin, Commissioner Sneed, Town Clerk Peyton — Board of Adjustment~~

D. COMMUNICATIONS

- 1. ~~Communication from Town Staff~~
- 2. ~~Communication from Town Attorney~~
- 3. ~~Communication from Town Manager~~

At this time, the board revisited the motion to be made under evidentiary hearing Case: SP21-01: Cobblestone Crossing Site Plan, Alternative Parking Plan, and Alternative Design Plan

Moved by Commissioner Sutton to approve the site plan with the conditions stipulated earlier during the hearing except for item e., striking the green area parking plan area from consideration under the site plan as it is to be considered at a later meeting to determine if it meets the development agreement; seconded by Commissioner Vilga. Motion to approve with noted conditions and parking stricken carried by unanimous vote.

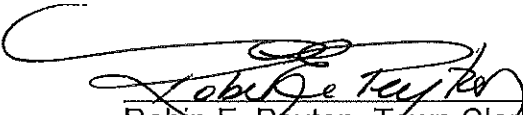
- E. CLOSED SESSION PURSUANT TO N.C.G.S 143-318.11(a)(5) LAND ACQUISITION AND N.C.G.S. 143-318.11(a)(6) PERSONNEL

Moved by Commissioner Sneed to enter into closed session pursuant to N.C.G.S. 143-318.11(a)(5) Land Acquisition and N.C.G.S. 143-318.11(a)(6) Personnel; seconded by Mayor Pro Tem Medley. Motion to enter closed session carried by unanimous vote. Board entered closed session at 11:17 p.m.

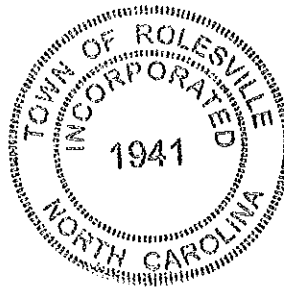


 Ronnie I. Currin, Mayor

ATTEST:



 Robin E. Peyton, Town Clerk



The Town of Rolesville will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (919) 556-3506 by noon on the Thursday prior to the meeting to make arrangements.