

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

March 22, 2016

MINUTES

PRESENT:

Frank Eagles, Mayor	Ronnie Currin, Mayor Pro Tem
Frank Hodge, Commissioner	Sheilah Sutton, Commissioner
Bryan Hicks, Town Manager	Michelle Young-Medley, Commissioner
Bobby Langston, Police Chief	JG Ferguson, Parks & Rec Director
Thomas Lloyd, Planning Director	Orlando Soto, Police Captain
Robin Reif, Town Clerk	David York, Town Attorney
Robin Reif, Town Clerk	

ABSENT

Betty Whitaker, Commissioner

CALL TO ORDER

Mayor Frank Eagles called the meeting to order and led the pledge of allegiance. Commissioner Hodge led the invocation.

APPROVAL OF THE AGENDA

Mayor Eagles asked for approval of the March 22, 2016 meeting agenda. Upon a motion by Mayor Pro Tem Currin; second by Commissioner Sutton, the March 22, 2016 meeting agenda was approved by unanimous vote.

APPROVAL OF THE CONSENT AGENDA

Mayor Eagles called for the approval of the consent agenda consisting of the following:

2. Resolution directing the Town Clerk to certify the sufficiency of the voluntary annexation petitions of cases A16-02 and A16-03.
3. Call for public hearings for cases A16-02 and A16-03.
4. Budget amendments for FY15-16.
5. Contracts for officiating services with the P&R Department spring baseball programs.

Commissioner Sutton asked for the removal of item #5, *Parks and Recreation contracts* for further discussion. On a motion by Mayor Pro Tem Currin; second by Commissioner Hodge, the approval of the March 22nd consent agenda with the removal of item #5 carried by unanimous vote.

PUBLIC COMMENTS

None

REGULAR AGENDA

Public Hearing for Case A16-01: Involving a voluntary annexation petition for the Willoughby Subdivision (Rogers Road)

Town Manager Bryan Hicks introduced and provided an overview of Case A16-01:

Mayor Eagles opened the public hearing at 7:05 p.m.

There being no one wishing to speak, Mayor Eagles closed the public hearing at 7:06 p.m.

Involving Case A16-01, Mayor Pro Tem Currin moved to approve the voluntary annexation petition and proposed ordinance; seconded by Commissioner Hodge. Motion carried by unanimous vote.

Public hearing for case TA16-01 involving text amendments to Town Center Overlay District standards within the Unified Development Ordinance (UDO)

Opening of Public Hearing

Mayor Eagles opened the public hearing at 7:05 p.m.

Introduction by Staff

Planning Director Thomas Lloyd introduced and provided an overview of Case TA16-01.

Comments from Applicant

None

Comments from Public in Favor

None

Comments from Public in Opposition

Ms. Pat Wharton, 220 W. Young Street, Rolesville, NC

Ms. Wharton spoke in opposition of the amendments to the Town Center Overlay District and asked when the standards were first introduced. Mr. Hicks responded that it was some time in the 1990s and that they have not been modified since the introduction. Ms. Wharton expressed that there is no need to change standards that have yet to be used and will produce buildings that look like buildings currently in existence.

Susan Decker, 306 Nortwick Road, Rolesville NC

Ms. Decker addressed the board in order to voice her opposition of the text amendments, citing that it would produce buildings that will be the same as those existing. Ms. Decker urged council to work towards something more appealing for the downtown area. Referencing an aspect of the proposed project prompting the amendments, Ms. Decker stated that wooden trash containers break down and ultimately look bad.

Rebuttal from Applicant

Rick Eddins, 1504 Stratlen Court, Raleigh, NC

Applicant Rick Eddins responded that the flea market buildings will be removed and replaced by a new building. Mr. Eddins stated that the building will be constructed of brick.

Closing of Public Hearing

There being no one else wishing to speak, Mayor Eagles closed the public hearing involving case TA16-01 at 7:22 p.m.

Under further discussion, the resolution of the existing proposal was contrasted with the future design of the new town hall and standards that achieve cohesion. The design of the dumpster surround was discussed and a preference for brick was revealed. Mr. Eddins responded that, this will be an infield project, and that wooden doors of the dumpster enclosure would still be visible from the street from the vantage point of Main Street.

Bill Perry, 403 E. Young Street, Rolesville NC

Mr. Perry inquired if there would be brick veneer on the front and all sides of the building as it is being presented as a brick building in the application.

Planning Director Thomas Lloyd stated that, the Unified Development Ordinance (UDO) requires that, if a building is visible by a public right-of-way or proposed public right-of-way it has to be constructed of masonry material.

Pat Wharton, 220 W. Young Street, Rolesville NC

Ms. Wharton enquired as to why an amendment is being sought rather than a special use permit. Town Attorney David York responded that, if a relief from the standard is needed you either change or amend the standards.

Involving case TA16-01, it was moved by Commissioner Hodge to approve the proposed text amendment, along with the following consistency statement.

The proposed zoning text amendment is neither consistent nor inconsistent with the Comprehensive Plan and is reasonable and in the public interest, because of the following:

1. The Comprehensive Plan does not contain any statement encouraging periodic updates of the Unified Development Ordinance to reflect changes in policy.
2. The proposed text amendment improves the Unified Development Ordinance in that it reflects changes necessary to amend the Town's policy regarding allowable uses within a specific zoning district.

The motion was seconded by Mayor Pro Tem Currin.

Commissioner Sutton offered an amendment motion to make the dumpster surround brick instead of wood. The motion died for lack of a second.

The original motion received the following vote:

Ayes: Hodge, Currin, Medley

Noes: Sutton

Motion carried 3-1.

Public Hearing for Case D16-01 involving a site plan to demolish and remove several existing structures and replace them with the 2 new buildings along North Main and East Young Streets

Opening of Public Hearing

Mayor Eagles opened the public hearing at 7:39 p.m.

Town Attorney David York read the requirements for the quasi-judicial hearing as outlined in N.C.G.S. §160A-393 and all board members were questioned as to their existing or potential predispositions. Upon receiving satisfactory responses from all board members, the Town Clerk swore in those persons in attendance wishing to provide testimony.

Introduction by Staff

Planning Director Thomas Lloyd introduced and provided an overview of Case D16-01.

Under discussion by the board and in response to a question from Commissioner Medley, Applicant Rick Eddins stated that the new buildings will contain storage. In response to Commissioner Sutton, Mr. Lloyd explained the parking capacity for the site. It was approximated that there will be between 12-15 spaces. The existing parking lot is in the NC DOT right-of-way. With removal of the existing tractor trailers, there will be additional parking.

Comments from Applicant

Rick Eddins, spoke regarding the difficulty of the decision to demolish the existing buildings and construct new buildings. Mr. Eddins expressed his appreciation for the positive votes thus far and asked for the support to continue.

Mr. Eddins responded to the question of parking being equal with the addition of the spaces gained by the removal of the trailers.

Mr. Eddins stated he is proposing the project as the existing structures are inefficient.

In response to a question posed by Commissioner Sutton, Mr. Eddins stated the façade of the building will be constructed of brick, masonry brick, not painted on brick. The sides will be metal hidden by landscaping. The dumpsters will not be visible from the road due to wooden doors on the enclosure and will sit at the back corner of the building.

Comments from Public in Favor

Barrett Parker P.O. Box 615 Wake Forest, NC

Mr. Parker came representing the Rolesville Baptist Church which is the owner of the property adjacent to that under public hearing. Mr. Parker stated that the Church's Buildings and Grounds and New Building committees met and is in approval of the proposed project.

Susan Decker, 306 Nortwick Road, Rolesville, NC

Ms. Decker questioned if the building is visible from a right-of-way (like from the side), it must be brick. The response was that it must be brick unless fully shielded by landscaping which is the intent of the plan.

Comments from Public in Opposition

Ms. Betty Freeman, 524 Averette Road, Rolesville, NC

Ms. Freeman spoke of the location of the flea market building being on the site of an old slave market. Citing her mother Elizabeth Reid Murray's book on the history of Rolesville, Ms. Freeman stated that there is a chance that some bodies could be buried below the building and this needs to be investigated.

It was noted that no evidence has been presented to substantiate the claim.

Town Manager Bryan Hicks is to contact the Department of Cultural Resources for North Carolina to find out the possibility of human remains on the property. Town Attorney York stated that by statute, if during the process of any development remains are unearthed, there is a process of removal that must be followed.

Rebuttal from Applicant

Mr. Rick Eddins, 1504 Stratlen Court

Mr. Eddins stated that his understanding is that the slave market was across the street. Having been under the building to retrieve stray kittens, he doubts the existence of human remains on the property.

Closing of Public Hearing

There being no one else wishing to speak, Mayor Eagles closed the public hearing involving case D16-01 at 8:10 p.m.

Planning Director Thomas Lloyd noted that a condition of the project is that the evergreen landscaping fully shield the surround within a set time and remain in the condition to continue to shield the surround.

In the case of D16-01 it was moved by Commissioner Sutton to approve the Special Use Permit with the addition of a fourth condition that, if any stationary side of the proposed dumpster is visible from a right-of-way then it must be made of brick, and remaining conditions as is since the findings of fact have been met. The motion was seconded by Commissioner Hodge and carried by unanimous vote.

Public hearing for Case D16-02 involving a site plan to construct a community pool and clubhouse amenity center for the Perry Farms Subdivision

Opening of Public Hearing

Mayor Eagles opened the public hearing at 8:18 p.m.

Town Attorney David York read the requirements for the quasi-judicial hearing as outlined in N.C.G.S. §160A-393 and all board members were questioned as to their existing or potential predispositions. Upon receiving satisfactory responses from all board members, the Town Clerk swore in those persons in attendance wishing to provide testimony.

Introduction by Staff

Planning Director Thomas Lloyd introduced and provided an overview of Case D16-01.

Comments from Applicant

Landon Weaver, Bill Clark Homes

Mr. Weaver was asked if the pool building would be conditioned to which Mr. Weaver responded that it would not as it will not be operated or utilized during the winter months. Mr. Weaver noted that the developer is building the proposed amenity up front prior to home construction.

In response to a question from Commissioner Hodge if swimmers will be visible from the road, Mr. Weaver stated that it is unlikely as a berm will be constructed along with extensive landscape installation which will ensure ample screening and privacy. Commissioner Hodge requested that it be opaque.

Discussion was held on the location of the mail kiosk as well as the lighting plan which contains 8 lights.

Comments from Public in Favor

None

Comments from Public in Opposition

George Garcia, 524 Averette Road, Rolesville, NC

Mr. Garcia asked how many parking spaces would be there for the pool house (24 was the reply) and if there will be a lifeguard. Applicant Mr. Weaver responded that the management company will meet the health department requirements. Traffic on Averette Road and in the subdivision was also a concern voiced by Mr. Garcia and he asked that this be taken into consideration.

Commissioner Hodge asked Mr. Garcia if he had seen any improvement on Averette Road since last he noted a speeding problem. Mr. Garcia responded that the presence of police officers has helped some but that they are limited as to the times they can be there. When they are not there, speeding occurs. Mr. Garcia also noted a sensor has been placed and is appreciated.

Marla Colgan, 912 Averette Road

Ms. Colgan was affirmed by the Town Clerk. Ms. Colgan stated she is not in opposition of the proposed neighborhood but, as a resident across the street, is concerned with speeding as the proposed road is just before a curve that is unsafe. Her concern is for young drivers and for children playing in her yard and wants to know consideration is being made for this.

Mayor Eagles stated the need to look at speed limit reduction in the area.

Rebuttal from Applicant

Landon Weaver, Bill Clark Homes

Speed limits will be an improvement. Improvements will be made to Averette Road. Estimated time for beginning of streets and amenity is within a couple of weeks.

Chief Bobby Langston, after having been duly sworn in by the Town Clerk, pointed out that the lowering of the speed limit in the area will help. The Chief reminded those present that data was presented in the last meeting which suggests there is not a significant problem. The Chief proposed possibly placing an unmarked car in the area. The Chief stated that the department's job is not to write tickets, rather to prevent crime and prevent fatalities therefore the department is to have marked vehicles on the street to create a presence.

Closing of Public Hearing

There being no one else wishing to speak, Mayor Eagles closed the public hearing involving case D16-02 at 8:47 p.m.

In the case of D16-02, Mayor Pro Tem Currin moved to approve the site plan request with the condition that the pool area be fully opaque from the road. The motion was seconded by Commissioner Medley and carried by unanimous vote.

Mayor Pro Tem Currin commented that staff has done a good job handling multiple difficult proposals.

Consideration of the draft agenda for the Town Board meeting on April 4, 2016.

Commissioner Sutton proposed instituting an "old business" section on the agenda of upcoming meetings in order to track discussion items still requiring action. The proposal was met with unanimous enthusiasm and it was agreed the placement of this new section would begin appearing on the next meeting's agenda.

Commissioner Medley inquired as to why the Town of Rolesville has not begun advertising on the new billboard located on the 401 bypass. Town Manager Bryan Hicks is to check in to the matter.

Moved by Commissioner Sutton to approve item #5 from the consent agenda; seconded by Mayor Pro Tem Currin. Motion carried by unanimous vote.

CLOSED SESSION

At 8:56 p.m. motion to enter closed session pursuant to NCGS 143-318.11(a)(2) to prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award, and NCGS 143-318(a)(6) to discuss a personnel matter, was made by Commissioner Hodge, seconded by Commissioner Medley. The vote on the motion was unanimous.

At 9:10 p.m. Motion to come out of closed session was made by Commissioner Hodge, seconded by Mayor Pro Tem Currin. The vote on the motion was unanimous.

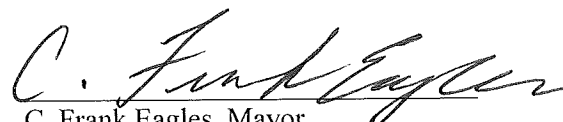
Commissioner Medley asked Town Attorney York about the purpose and relevance of testimony offered by opposition regarding human remains during one of the quasi-judicial public hearings earlier in the meeting. Town Attorney York explained his belief in the intent of such testimony and why he said what he did during the hearing about statutory requirements that must be followed when remains are found in the process of developing property.

The board briefly discussed the principal vacancy at a local school.

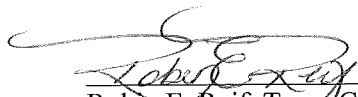
Attorney York gave a brief update regarding communications with the General Assembly staff regarding possible local legislation.

ADJOURNMENT

Upon a motion by Commissioner Hodge; second by Commissioner Sutton, the meeting was adjourned by unanimous vote. The meeting adjourned at 9:27 p.m.


C. Frank Eagles, Mayor

ATTEST:


Robin E. Reif, Town Clerk

