

TOWN OF ROLESVILLE
REGULAR BUSINESS MEETING OF THE
TOWN BOARD

MAY 20, 2014
MINUTES

PRESENT: Frank Eagles, Mayor
Gil Hartis, Commissioner
Frank Hodge, Mayor Pro Tem
Bryan Hicks, Town Manager
David York, Town Attorney
JG Ferguson, Parks & Rec Director
Bobby Langston, Police Captain
James Demchak
Michelle King
Bessie Dixon
Jamie Schriver
Corey Cunningham
Jim Harner
Keith Gettle
Michael Birch
Connie Perry
Marcel Beaudreau
Ken Billings
Greg Hobbs

Ronnie Currin, Commissioner
Betty Whitaker, Commissioner
Shannon Whitley, Commissioner
Thomas Lloyd, Planning Director
Clellie Allen, The Wake Weekly
Matt Anderson, Police Chief
Carl Simmons, Town Engineer
Linda Demchak
Bertie Wiggins
BG Dixon
M.C. Crawford
Jim Allen
Lloyd Mattingly
Will Letchworth
Meredith Parker
Troy Alford
Sharon Billings
Dr. Charles Johnson

Call to Order

Mayor Frank Eagles called the meeting to order and welcomed everyone. Mayor Eagles led the Pledge of Allegiance. Commissioner Ronnie Currin gave the invocation.

Approval of the Agenda

With no changes noted, Commissioner Shannon Whitley made the motion to approve the agenda. Commissioner Betty Whitaker seconded the motion, which passed unanimously.

Public Comments

There were no comments from the public.

Public Hearing for Case SUP 14-01: Request to Operate a Private Sports Bar at 411-D South Main Street

Town Attorney David York briefed the board and the public on the procedures and guidelines of a quasi-judicial hearing.

Mr. York asked the commissioners if they had any predisposed opinion of the matter in question. Each said, "No".

Mr. York asked the commissioners if any of them had discussed the matter prior to this hearing. Each said, "No".

Mr. York asked the commissioners if they were unable to make a decision on the matter based solely on the evidence presented at the hearing. Each said, "No".

Town Clerk Leslie Rudd swore in those wishing to give testimony during this quasi-judicial proceeding.

Mayor Eagles opened the public hearing.

Mr. York called for an introduction from staff. Planning Director Thomas Lloyd briefed the board on the request by Mr. Demchak to open a private sports bar in the Redford Place Shopping Center. He reviewed the layout plans for the proposed business and recommended conditions for approval.

Mr. York called for comments from the applicant. Mr. Demchak explained his intent to open the Main Street Tavern, a private sports bar. He detailed the rules of membership, which include revoking membership and restricting entry to any members that are found fighting, using profane language, exhibiting lewd conduct, using illegal drugs on the premises or permitting any members' guests under the age of 21 to consume or order alcohol.

Commissioner Frank Hodge asked Mr. Demchak about his experience in the hospitality business. Mr. Demchak said he worked in food service when he was in the US Air Force, has worked extensively in customer service and also spent the past year working with the owners of the local Rudino's restaurant chain to better understand management and business practices.

Mr. York asked if there were any questions from the public for the applicant. Marcel Beaudreau asked about the terms of the set hours of operation: if the establishment is set to close at 12 am, would they stop serving at 12 am and then close later? Or would they close at 12 am? Mr. Demchak said that A.L.E. laws allow bars to stop serving at 2 am and then give them another 30 minutes to close; but that he would further research this to see what would work best in the this proposed establishment.

Mr. York asked Mr. Demchak to call witnesses. Mr. Demchak called Greg Hobbs, a representative of the Redford Place Shopping Center's property management company. Mr. Hobbs said he spoke with Food Lion's corporate representatives, as the grocery store is the shopping center's anchor store, and the store representatives are in favor of Mr. Demchak's proposed business. He added that the shopping center also has regulations that businesses must follow that extend beyond town ordinances, which would further ensure that Mr. Demchak's business does not have a negative impact on the shopping center or town.

Mr. Demchak also called on Town Engineer Carl Simmons to submit to the board an affidavit regarding the potential traffic impact the business would have on the area. Mr. Simmons said the business would not cause any foreseeable traffic issues within the shopping center with regards to traffic flow or parking.

Mr. York called on comments from the public against the proposed special-use permit. Dr. Charles Johnson said he is not opposed to the establishment, but opposes the chosen

location next to Warehouse Athletics where a lot of customers are children. He also asked Mr. Demchak how patrons would be monitored to ensure no one is in danger of drinking too much. Mr. Demchak said that his staff will undergo A.B.C. regulation training to identify when to stop serving a patron and he would assess if a customer needs to be escorted off the premises. Dr. Johnson asked about the definition of binge drinking. Mr. Demchak said it is defined as more than eight ounces of alcohol in less than one hour.

Mr. Beaudreau said he also believes the location is inappropriate.

Connie Perry said she also believes the location next to Warehouse Athletics and near the community ball fields is inappropriate.

Corey Cunningham, the owner Warehouse Athletics, said he not against the business itself but has concerns about its proposed location next to his business. He stated that 90 percent of his clients are 12 and under. Mr. Cunningham stated that he researched, but could not find, other examples where a sports bar was located next to a youth athletics business.

Commissioner Frank Hodge asked Mr. York to clarify who is qualified to give expert testimony during a quasi-judicial hearing. Mr. York said that the requirement of expert testimony depends on the topic, such as the impact a development would have on traffic or property values.

Mr. York called for a rebuttal from the applicant. Mr. Demchak said he understands the concerns from the public and understands the board reserves the right to revoke his special-use permit and he does not want to do anything to have it revoked. He said he intends to follow A.L.E. regulations. He said that, in speaking with Warehouse Athletics staff, they confirmed that all kids leave the business under adult supervision. He also submitted to the board a comparison of hours of operations of the proposed sports bar and Warehouse Athletics.

Dr. Johnson said he has concerns that people leaving the bar will be driving while intoxicated. Mr. Demchak said that anyone deemed too drunk to drive will have their cars keys confiscated. Mr. Beaudreau asked if Mr. Demchak would be watching every person. Mr. Demchak confirmed that he and his staff would monitor each customer.

Mr. Hobbs offered an apology to Mr. Cunningham for not consulting with him and his staff about the possibility of a sports bar. He asked Mr. Demchak to table the pursuit of a special-use permit due to opposition.

Mr. York said that if Mr. Demchak wished to table the request, it would be at the board's discretion.

Mayor Eagles asked for comments from the board. Commissioner Whitley noted that the board's decision on the special-use permit request has no bearing on the lease agreement between Mr. Demchak and Mr. Hobbs' company. If the board approved the special-use permit, finding an agreement between all of the businesses was between Mr. Demchak and Mr. Hobbs.

Mr. Demchak said that he will continue with his request for a special-use permit. Mr. York noted that the board will take action on the item at the Monday, June 2 meeting.

Mayor Eagles closed the public hearing. He then called for a five minute recess.

Public Hearing for case MA14-02: a Rezoning Request for a R&PUD Mixed-Use Development Master Plan

Mayor Eagles called the meeting back to order. He then opened the public hearing.

Mayor Eagles asked for an introduction from staff. Mr. Lloyd briefed the board on the request by Lloyd Mattingly to rezone 27 acres off Burlington Mills Road from residential and commercial-outlying to residential and planned unit development (R&PUD).

Commissioner Currin asked what would happen to the remaining sections of parcels not included in the rezoning request. Mr. Lloyd said there is a request being processed by staff to have those remaining parcel sections combined.

Mayor Eagles asked for comments from the applicant. Attorney Michael Birch spoke on behalf of the applicant, noting that they have worked with town staff to comply with town code and create a master plan consistent with the town's long-range and transportation plans.

Mayor Eagles called for comments from the public in favor of the request. Resident Michelle King said she is not for or against the plan, but asked if the board could start to require developers to be responsible for the overall long-term aesthetics of the subdivisions. She noted that her subdivision, while it has a number of homes, has problems with bare public areas that need landscaping and construction debris left behind. Mayor Eagles asked Mr. York if the town could take recourse against these kinds of problems. Mr. York said there should already be town ordinances in place to prevent this. But, if these issues became a public nuisance or safety concern, the town could take additional action. Town Manager said that staff has been working with Ms. King and the developer in question to resolve this problem.

Mayor Eagles asked for comments from members of the public in opposition to the rezoning request. There were no comments. There was no rebuttal from the applicant.

Mayor Eagles closed the public hearing. Mr. York reminded the board and the public that the board will take action on the item at the Monday, June 2 meeting.

Public Hearing for case SUP 14-02: Request to Approve a R&PUD Mixed Use Master Plan

Ms. Rudd swore in all those wishing to give testimony during the quasi-judicial hearing.

Mr. York briefed the board and the public on the procedures and guidelines of a quasi-judicial hearing.

Mr. York asked the commissioners if they had any predisposed opinion of the matter in question. Each said, "No".

Mr. York asked the commissioners if any of them had discussed the matter prior to this hearing. Each said, "No".

Mr. York asked the commissioners if they were unable to make a decision on the matter based solely on the evidence presented at the hearing. Each said, "No".

Mayor Eagles opened the public hearing.

Mr. York called for an introduction from staff. Mr. Lloyd reviewed the request by Mr. Mattingly, which calls for a mixed-use development along Burlington Mills Road that includes a 50-single family home subdivision and eight offices facing South Main Street. As part of the development, part of Granite Falls Boulevard would be constructed to extend into the proposed development. Mr. Lloyd also noted a needed revision to the agenda packet, page five of six in agenda item five: the statement should reflect that .985 acres of dedicated open space would be suitable for recreation.

Mr. York called for comments from the applicant. Mr. Birch submitted a property value analysis for the record.

Commissioner Currin asked for clarification on SUP condition #17, which calls for the construction of the extension of Granite Falls Boulevard. Mr. Birch said that the intent is to extend Granite Falls Boulevard to the Wall property, but the timing of that depends on Thales Academy constructing its portion of the road.

Mayor Eagles said he would encourage developers to build the road themselves rather than bonding it out. Commissioner Hodge asked who owned the property just north of the proposed development. Mr. Birch confirmed that Mr. Mattingly owns that property. Commissioner Hodge asked why Thales is required to build part of the Granite Falls Boulevard extension on Mr. Mattingly's property. He added that it is in everyone's interest that the road be extended, as that parcel will also eventually be developed.

After conferring with his client, Mr. Birch proposed that Mr. Mattingly is willing to dedicate the right-of-way for that portion of the extension. Commissioner Currin noted that, in the past, the board has required developers to pay thoroughfare fees for off-site improvements. Mr. Birch estimated that would cost about \$45,000.

Commissioner Whitaker asked about the number of entry points to the development. Mr. Birch said that there will be three entry points. Mayor Eagles asked if Burlington Mills Road will be widened to three lanes in that area to accommodate the additional traffic. Environmental Engineer for the project, Keith Gettle, said that the traffic study didn't warrant a road widening project. Mayor Eagles asked for Mr. Simmons to give his assessment of the traffic impact study. Mr. Simmons stated that the additional traffic from the development doesn't support a road widening project, but that the existing right turn lane from Main Street on to Burlington Mills Road would be extended to serve as a dedicated right turn lane into the subdivision.

Commissioner Hodge asked about the traffic count increase once Granite Falls Boulevard is completely connected to Burlington Mills Road. Mr. Simmons said he hasn't seen any statistics on this, but he believes the thoroughfare will be used by many motorists.

Commissioner Whitaker asked if the subdivision will be subject to the Post Office's new rule prohibiting individual mail boxes in new subdivisions. Mr. Gettle said that provisions have been made to the site plan for a community mail kiosk in the subdivision.

In addressing off-site improvements for the extension of Granite Falls Boulevard, Mr. Birch proposed that the applicant would dedicate \$45,000 toward the construction costs.

Mr. York called for comments from the public against the special-use permit. There were none.

Mayor Eagles closed the public hearing. Mr. York noted that board action will be taken at the Monday, June 2 meeting.

Public Hearing and Presentation of the proposed 2014-15 Fiscal Year Budget

Mayor Eagles opened the public hearing.

Mr. Hicks reviewed the details of the proposed budget with the board, which projects a 21 percent increase to the general fund. The proposal calls for no increase to the current tax rate of 44 cents per \$100 valuation. The budget allows for the addition of two new police officers, one of which will be hired January, 2015, as well as the addition of a cultural programs director in the Parks and Recreation Department and bringing the part-time finance officer on full-time. The budget also calls for engineering plans for a new Town Hall campus, lighting the baseball fields at Rolesville Middle School, a replacement playground at Main Street Park and resurfacing Redford Place and Wall Creek Drives. The proposed budget does not include merit or cost-of-living raises for full-time employees, however Mr. Hicks proposed updating the town's pay grade study and adjust employee salaries accordingly to keep them competitive with other municipalities.

Items and projects not included in the budget were financial contributions to the new farmers market, a financial system software update, the purchase of outdoor movie equipment and renovations to the police department facilities. Mr. Hicks also noted proposed changes to the fee schedule, which calls for an increase in late fees for garbage payments from \$5 to \$10; and a \$5 surcharge to Parks and Recreation registration fees to offset the cost of credit card fees.

There were no comments on the proposed budget. Mayor Eagles closed the public hearing. He noted that the board will take action on this item at the Monday, June 2 meeting.

Consideration of the Draft Agenda for the Town Board Monday, June 2 Meeting

No changes were made to the proposed draft agenda.

Mayor Eagles introduced summer intern, Meredith Parker to the board.

Adjournment

With no other business, Commissioner Currin motioned to adjourn the meeting. Commissioner Whitley seconded the motion, which passed unanimously.

Leslie Rudd, Town Clerk

C. Frank Eagles, Mayor