

TOWN OF ROLESVILLE  
REGULAR MEETING OF THE  
TOWN BOARD

SEPTEMBER 2, 2014  
MINUTES

**PRESENT:** Frank Eagles, Mayor  
Gil Hartis, Commissioner  
Frank Hodge, Mayor Pro Tem  
Bryan Hicks, Town Manager  
David Neill, Town Attorney  
Matt Anderson, Police Chief  
JG Ferguson, Parks & Rec. Director  
Clellie Allen, The Wake Weekly  
Bart Wester  
Adam Stokes  
Larry Perry  
Lori Goodrum  
Steve Grec  
Mike Howard  
Jesus Rodriguez  
Deborah Bordeaux  
Michael Packer  
Kris Hall  
Ted Keith  
Ronnie Currin, Commissioner  
Betty Whitaker, Commissioner  
Shannon Whitley, Commissioner  
Leslie Rudd, Town Clerk  
Thomas Lloyd, Planning Director  
Bobby Langston, Police Capt.  
Eugenia Pleasant  
Sandra Young  
Michelle Wester  
Sarah Stokes  
Jimmy Goodrum  
Jerry Gorington  
Jim Allen  
Michael Donato  
Frank Savarese  
Melinda Hall  
Mandy Packer  
Joel Young

**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**

Mayor Eagles requested that agenda item #11 be moved to #7. With that change noted, Commissioner Currin made the motion to approve the agenda. Commissioner Betty Whitaker seconded the motion, which passed unanimously. Commissioner Shannon Whitley was absent from the vote.

**Consent Agenda**

With no changes noted, Commissioner Whitaker made the motion to approve the consent agenda. Commissioner Gil Hartis seconded the motion, which passed unanimously. Commissioner Whitley was absent from the vote.

**Public Comments**

Resident Bart Wester asked the board for assistance in a long standing problem he has had with the developers of the Pine Glen subdivision. Mr. Wester explained that when the subdivision, located across from his house, was built, a drainage pipe was added and

builders changed the elevation so that water drains into his yard. MR. Wester added that he has had discussion with the developers since 2008 to resolve the issue with no progress.

Town Manager Bryan Hicks stated that town staff has also had discussions with the developers and the Town Attorney to try and mediate the situation. Town attorney Fred Baggett recommended a survey of the area at the developer's cost to determine how much of the drainage pipe is on the Westers' property.

Mr. Hicks reported there is also a hold on any further C/Os until the issue is resolved.

Commissioner Frank Hodge asked if the developer would be responsible for any attorney's fees. Mr. Hicks confirmed that they would be responsible for those costs.

While the town continues to work with the Westers to resolve the issue, Commissioner Hodge asked for an update on the situation in the next four to eight weeks.

### **Chamber of Commerce Report**

Mr. Sherwood Bobbitt, president of the Rolesville Community Chamber of Commerce reviewed current membership numbers with the board; with 201 businesses currently chamber members. He also reminded the board of the upcoming BBQ Festival, Saturday, Sept. 13.

### **Update Regarding the Farmers Market Project**

Mayor Eagles updated the board on the farmers market and reported that regular market operations have been suspended for the remainder of the year.

He added that the Farmers Market Advisory Board plans to host a fall harvest festival on Saturday, Oct. 18 at the market.

Commissioner Hartis referred to the proposed contract between the town and managing company Back to Basics, stating that the contract is not what was previously discussed at earlier Town Board meetings.

Commissioner Whitaker said the contract as it is proposed now is more involved than originally discussed. She suggested tabling the contract approval until early 2015 to further discuss the direction of the farmers market.

Mayor Eagles said he feels it needs to be discussed before then.

Commissioner Hodge said he thinks the concept is a great idea, but he has concerns about a market run with tax payer dollars as opposed to a privately run market.

Commissioner Currin said that the proposed contract gives the town a starting place to better organize the market concept.

Commissioner Hartis asked if the town could just be the renter of the space to the privately operated market to minimize town and tax payer involvement.

**Public Hearing for Case D14-01: Pool and Clubhouse in Averette Ridge Subdivision**

Town Attorney David Neill explained the process of a quasi-judicial hearing. He then asked the board members several questions regarding impartiality

Mr. Neill asked the board members: Is any member here predisposed to vote a particular way on this matter such that their opinion is fixed and the evidence presented at this hearing is not likely to influence their decision?

All answered, No.

Mr. Neill asked the board members: Has any board member discussed this matter with either proponents, opponents or others outside of this hearing?

Mayor Eagles answered, Yes.

Mr. Neill said that was not an issue as long as prior discussions were disclose and did not influence the basis of Mayor Eagles' opinion.

Mr. Neill asked the board members: Is any member here not able to make their decision solely based upon the evidence presented at the hearing?

All answered No.

Town Clerk Leslie Rudd swore in Carl Simmons, Andrew Pinter, Jesus Rodriguez, Frank Savanore, Steven McFarlane, Planning Director Thomas Lloyd and Mr. Hicks.

Mayor Eagles opened the public hearing.

Mr. Lloyd briefed the board on the request by developer Andrew Pinter to construct a clubhouse and pool in the Averette Ridge subdivision. The community structures are required to be completed before the construction of phase 2 of the subdivision. Mr. Lloyd noted that the site plan meets the town's UDO requirements.

Commissioner Currin asked why 15 parking spaces was the allotted requirement. Mr. Lloyd said the number is calculated based on the number of derived uses for the property.

Mayor Eagles said he believes it should be based on the number of houses in the subdivision.

Mr. Neill called for comments from the applicant.

Attorney Steven McFarlane spoke on the behalf of the applicant, confirming that the plans meet all town requirements.

Mr. Neill disclosed that his firm has represented the applicant in the past, but there is no conflict of interest.

Mr. Pinter thanked the board and the town staff for their hard work. He said he hopes to have the clubhouse and pool completed for next summer.

Mr. Neill called for comments from the public in favor of the request.

Resident Jesus Rodriguez said he is in support of the project and requested the board's approval.

Mr. Neill called for comments from the public in opposition of the request. There were none.

Mayor Eagles closed the public hearing.

Commissioner Whitaker made the motion to approve the request. Commissioner Hodge seconded the motion, which passed unanimously. Commissioner Whitley was absent from the vote.

**Public Hearing for Case TA14-07: Amendment to Telecommunications Regulations**

Mr. Lloyd noted that the primary Town Attorney, David York, drafted the text change. As Mr. York wasn't present, Mr. Lloyd summarized the changes to the existing telecommunications tower regulations. The changes are largely made to bring the town into compliance with the new state law. It also reduces the complexity of the wording in the original ordinance.

Mayor Eagles opened the public hearing.

He called for comments from the applicant.

Mr. Hicks noted that the town is the applicant in this case and has no further comments.

Mayor Eagles called for comments from the public in favor of the text change. There were none.

Mayor Eagles called for comments from the public opposed to the text change. There were none.

Commissioner Currin asked how the town would control where these towers go. Mr. Lloyd said that they would be subject to zoning and special-use permit requirements.

Commissioner Whitaker made the motion to approve the text change. Commissioner Hartis seconded the motion, which passed unanimously. Commissioner Whitley was absent from the vote.

**Public Hearing for case MA14-04: Rezoning 519 S. Main Street**

Mayor Eagles opened the public hearing.

Mr. Lloyd briefed the board on the request by Deborah Bordeaux to reclassify the allowed uses for her rental property so as to make it more marketable. He noted that the future land-use map calls for it to be commercially zoned – and the property is already

zoned as such. However, the current uses restrict it to operating only as a florist. The request would expand on the allowable uses.

In reviewing the suggested uses, Mayor Eagles requested that auto sales, auto repairs and rental car companies be removed from the list.

Commissioner Whitaker said she has concerns about adequate parking on that lot. Mr. Lloyd said that, while there is minimal parking, each use has its own requirements of minimum parking standards that would need to be met to operate in compliance.

Mayor Eagles called for comments from the applicant.

Melinda Hall, real estate broker for the applicant, expressed her client's wish to better market the property, allowing greater flexibility.

Commissioner Currin asked how the list of allowable uses was generated. Ms. Hall said that she gathered that list based on other similar properties she has managed in the past.

Mayor Eagles called for comments from the public in favor of the map amendment. There were none.

Mayor Eagles called for comments from the public in opposition of the amendment. There were none.

Mayor Eagles closed the public hearing.

Commissioner Hartis made the motion to approve the map amendment. Commissioner Whitaker seconded the motion, which passed unanimously.

**Public Hearing for case MA14-03: Rezoning 2.29 acres at US 401/Louisbury Rd.**

Mayor Eagles opened the public hearing.

Mr. Lloyd briefed the board on the rezoning request from Larry Perry and Cheryl Gay to rezone 2.29 acres of a larger tract and part of the right-of-way on US 401-South from R-1 to CO-SUD. He said the applicant wants to rezone the area to make it a more marketable property in anticipation of the completion of the Rolesville Bypass.

Mayor Eagles called for comments from the applicant. Mr. Larry Perry stated that he appreciates the board's consideration of their request.

Mayor Eagles called for comments from the public in favor of the request. There were none.

Mayor Eagles called for comments from the public in opposition of the request. There were none.

Mayor Eagles closed the public hearing.

Commissioner Hodge made the motion to approve the map amendment. Commissioner Whitaker seconded the motion, which passed unanimously.

### **Consideration of the draft agenda for the October 6 Town Board Meeting**

Mayor Eagles noted that, since action was taken on the three public hearings this evening, a follow up vote would not be needed on the agenda at the October meeting.

### **Mayor and Commissioners Reports**

Mayor Eagles updated the board on the progress of the new BackPack Buddies program at Rolesville High School. He also reported that he attended Camp Corral recently and is working on bringing some new restaurants into town.

Mayor Eagles also asked Mr. Hicks to report on an update of the uncompleted Carlton Pointe community pool.

### **Staff Reports**

Mr. Lloyd reported there have been 25 single-family residential permits in the fiscal year. He also updated the board on several new commercial tenants – a counseling center, tobacco shop and karate school have all moved into existing store fronts.

Parks and Recreation Director JG Ferguson reported that the new staff member, Ryan Vinson has lined up new fall classes in the community center. He also reported that the field lights have been installed at Rolesville Middle School.

Police Chief Matt Anderson said the department is working on the problem of commuters cutting through the CVS parking lot during rush hour to avoid the Main Street/Rogers Road traffic light.

Mr. Hicks said that discussions have continued with affected families of the proposed East Young Street sidewalk. He presented conditions of construction to the board and said that these conditions could be voted on at a later date. Commissioner Whitley said she has issues with a tax payer funded fence along the property lines. She asked if this was common practice. Commissioner Whitaker said that the fence separating private properties from Mill Bridge Nature Park was funded by the town and doesn't consider this proposal a precedent.

He also reported that Raleigh has completed its draft annexation agreement. Town staff will review the draft and continue with negotiations.

Mr. Hicks also reported that the employee salary survey has been completed and is ready for implementation. He asked for any final feedback. Mayor Eagles said he feels the study should reflect that town staff works for a more urban area as opposed to other small towns in rural areas of the state.

Mr. Hicks also reported that the annual Recycling Round up will be on Saturday, Oct. 4.

### **Closed Session**

Commissioner Hodge made the motion to go into closed session pursuant to NCGS 143-318.11(a)(5) to give instructions to the town attorney concerning a potential real estate

acquisition regarding property located at 101 W. Young Street. Commissioner Whitaker seconded the motion, which passed unanimously.

Commissioner Whitley made the motion to come out of closed session. Commissioner Currin seconded the motion, which passed unanimously

Commissioner Hodge made the motion to approve the purchase of the Jones property at 105-A West Young Street for a purchase price of \$335,000, authorizing the Town Attorney to draft the appropriate contract and the Town Manager to execute the same. Commissioner Currin seconded the motion, which passed unanimously.

Commissioner Hodge also made the motion to direct Town staff to initiate discussions with the NC Local Government Commission, local banks and financial institutions regarding the approval of financing not to exceed \$600,000 for future Town real estate acquisitions and improvements. Commissioner Whitaker seconded the motion, which passed unanimously.

### **Adjournment**

With no further business, Commissioner Hodge made the motion to adjourn. Commissioner Whitaker seconded the motion, which passed unanimously.

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Leslie Rudd, Town Clerk

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C. Frank Eagles, Mayor