

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

**JUNE 16, 2015  
MINUTES**

<b>PRESENT:</b>	Frank Eagles, Mayor	Frank Hodge, Mayor Pro Tem
	Ronnie Currin, Commissioner	Gil Hartis, Commissioner
	Betty Whitaker, Commissioner	Shannon Whitley, Commissioner
	Bryan Hicks, Town Manager	Robin Reif, Town Clerk
	David York, Town Attorney	Thomas Lloyd, Planning Director
	JG Ferguson, Parks & Rec Director	Bobby Langston, Police Chief
	Orlando Soto, Police Captain	

**CALL TO ORDER**

Mayor Frank Eagles called the meeting to order and led the pledge of allegiance. Pastor David Shaffer of Neuse Baptist Church gave the invocation.

Mayor Eagles welcomed new Town Clerk Robin Reif.

**APPROVAL OF THE AGENDA**

Mayor Eagles asked for approval of the June 16, 2015 agenda. On a motion by Commissioner Whitley, second by Commissioner Hartis, the approval of the June 16, 2015 agenda carried by unanimous vote.

**CONSENT AGENDA**

Mayor Eagles called for the approval of the consent agenda consisting of FY14-15 Budget Amendment #2. On a motion by Commissioner Whitaker, second by Mayor Pro Tem Hodge, the approval of the consent agenda carried by unanimous vote.

**PUBLIC COMMENTS**

None

**REGULAR AGENDA**

Presentation of appreciation

As the Town begins building its Public Works Department, Town Manager Bryan Hicks and Mayor Frank Eagles took the opportunity to publically recognize two contractors who have helped the town over many years and in many ways. As an extension of their caring for Rolesville, both contractors have performed work for free or at a reduced rate. The men and their families grew up in Rolesville and exemplify the characteristics the town would like to continue with the new Public Works department. Mr. Hicks said the gentlemen overflow with customer service and deserve much more appreciation than can be given this evening as their knowledge and professionalism is priceless.

Calling him "Mr. Reliable", Michael Young was acknowledged for his assistance in clearing edges and curbs, hanging Christmas decorations and banners, and removing dead animals, among other duties. His services have been provided during normal business hours, on nights, weekends and holidays, and in all kinds of weather. Mr. Hicks stated that Mr. Young cares about how Rolesville

looks and the reputation it maintains.

Mayor Eagles read the plaque of appreciation given to Mr. Young this evening.

Mr. Frank Pearce was recognized for his more than 30-years of service on the Town's Planning Board as well as his providing services in grading of roads, clearing of drainage ditches and storm drains, fixing plumbing issues, and removal of snow and ice.

Mayor Eagles stated that Mr. Pearce probably knows more about the water and sewer connections in Rolesville than anyone. The Mayor then read the plaque of appreciation given to Mr. Pearce.

Public Hearing Case SUP15-03: American IRA, LLC // Special Use Request of 519 S. Main Street as Single Family Residence.

Mayor Eagles opened the public hearing at 7:08 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 potential predispositions. Upon receiving satisfactory responses from all board members, Attorney York swore in those persons in attendance wishing to provide testimony.

Thomas Lloyd, Planning Director presented the request from American IRA, LLC to amend the conditional zoning to allow for use of the commercial property located at 519 S. Main Street as a single family residence through special use permitting. Mr. Lloyd outlined the application process and amendments proposed following the application. Referring to the original survey, Mr. Lloyd pointed out that no changes are to be made to the property.

In response to questions from Mayor Pro Tem Hodge, Mr. Lloyd responded that the property had been residential in the past and that, to his knowledge, no problems had occurred during that time.

Commissioner Currin asked for a description of properties adjacent to that under application.

Town Attorney David York called for comments from the applicant.

*Nathaniel Parker, Esq. of Ellis & Parker PLLC, Wake Forest, NC*

Attorney Parker spoke as legal representation for American IRA. Following a brief summary, Attorney Parker introduced the property owner, Deborah Bordeaux, prior to her addressing the board.

*Deborah Bordeaux, 5373 Mill Dam Road, Wake Forest, NC*

Ms. Bordeaux, owner of the property under application, stated she is making the application as she has been unsuccessful in renting the property as commercial and that the exterior will remain unchanged. Ms. Bordeaux stated that a few modifications are needed to the inside of the building in order to bring it up to current code. Ms. Bordeaux then swore to the truthfulness of the special use permit application made May 22, 2015.

*Melinda Hall, Broker, Platinum CRE*

Ms. Hall spoke as witness to the effect of the proposed special land use on the value of the property under discussion. Prior to Ms. Hall giving her testimony, Attorney Parker outlined her qualifications. Hearing no objections, Ms. Hall was accepted by the board as an expert witness.

Referencing *Vacant Properties // The True Costs to Communities* published by the National Vacant Properties Campaign, Ms. Hall spoke in favor of the proposed special use of the property under application. *Vacant Properties // The True Costs to Communities* incorporated herein by reference.

There were no comments from the public in favor or opposition at this time therefore there was no obligation by the applicant for rebuttal.

There being no one else wishing to speak on SUP15-03: *American IRA, LLC // 519 S. Main Street as Single Family Residential*, Mayor Eagles closed the public hearing at 7:22 p.m.

Upon a motion by Commissioner Currin; second by Commissioner Whitley, that the findings of fact have been met in Case SUP15-03, the special use permit of 519 S. Main Street, Rolesville for single family residential use was approved. Motion carried by unanimous vote.

Public Hearing for Case D15-02 Involving a Request from Neuse River Baptist Church to build a facility in Multiple Phases on a 53.20 acre tract of land located at 4444 Louisbury Road and the Future 401 Bypass.

Mayor Eagles opened the public hearing on Case D15-03 at 7:23 p.m.

All members of the board responded no to the questions of predisposition and prior discussion. Those wishing to testify were sworn in prior to providing testimony.

Thomas Lloyd, Planning Director presented the request from Neuse River Baptist Church to build a multi-phase facility on a 53.20 tract of land located at 444 Louisbury and the future 401 bypass. Mr. Lloyd explained that the site plan application is a petition for multiple-phase construction and a land use zoning change from R-1 (residential) to I (institutional). Mr. Lloyd noted that the Technical Review Committee pointed out the submitted site plan does not correlate with the current Thoroughfare Plan with regard to bypass access. Mr. Lloyd also presented requirements for a thoroughfare buffer and noted that the proposed building's façade complies with the town's masonry ordinance.

It was noted that the subject of bypass access to the property has been discussed between Town of Rolesville Mayor Frank Eagles, Town Manager Bryan Hicks and representatives from NCDOT.

Under further discussion were the topics of approval being conducted by the NCDOT Controlled Action Committee, the name that is to be on the thoroughfare plan, noted compliance of the site plan with both the town's highway overlay and masonry ordinance regulations, potential problems with motorists cutting through future parking lot and NCDOT's designation of the access route as a super street.

Mayor Eagles remarked that the area of and around the property would hopefully become a future shopping center for Rolesville.

Commissioner Currin expressed his concern regarding the condition outlined in agenda item 6.12 #6. Asking what would happen to the special use permit upon failure of the church to connect to sewerage service within the 12-month deadline proposed. Town Manager Bryan Hicks stated that the furthest sewerage connection is a mile away near Harris Creek.

As there were no members of the public wishing to speak in opposition, the board heard comments from the applicant.

Jim Chandler of Chandler Engineering spoke on behalf of Neuse Baptist Church. Mr. Chandler stated that the church would desire connection to the public sewage system upon completion of construction as septic systems can be expensive and problematic. The church also intends to incur the cost of water line extension from the other side of the bypass. Mr. Chandler added that he thinks the road access addition and location is going to help the church by providing more visibility and a more appealing campus. The church would be willing to dedicate a reserve right-of-way for extensions along the property. Existing caveats are that permitting is tied to the certificate of occupancy, the church does not own the connection piece in order to reserve a right-of-way, submission for approval by the NCDOT Controlled Access Committee cannot occur until design plans are completed, and design cannot be finalized until approval by the Town of Rolesville Board of Commissioner's is obtained.

Town Attorney David York noted several issues, one being that the extension would need to comply with the existing thoroughfare plan. Mr. York stated that he sees an issue with requiring a property owner to purchase land from another to facilitate an extension. This potentially and artificially raises the cost. Mr. York recommended the town working with the church to obtain an easement. If that failed, then the town may commit its power of eminent domain to take the needed right-of-way through condemnation.

Speaking specifically on site plan condition #2 which deals with right-of-way acquisition, Attorney York stated that, if there is a problem, the applicant always has the option to come back to the board to seek an amendment to the special use to remove or alter a condition of approval. If a condition is later found to create a hardship it may be modified by the board in future as with any condition of approval. Condition #2, as currently worded, creates a hardship in the opinion of Mr. York and it is recommended that the language be amended to state the issuance of the certificate of occupancy is to be tied to Phase II construction.

Attorney York asked the board to consider if a second point of access is a safety issue and if the board feels having it should be a condition of special use approval. If not, is it merely a provision to comply with the ordinance as far as a thoroughfare running through the property, thus requiring cooperation with the town and compliance with the thoroughfare plan? Wording could be amended to state that it is not a condition of approval but that design cooperation is expected.

Mayor Pro Tem Hodge asked if the site plan was on the schedule for review by NCDOT to which he received a reply that it would most likely come before NDCOT review in a July meeting.

Planning Director Thomas Lloyd pointed out that the above language pertaining to certificate of occupancy being tied to Phase II would also apply to condition #8.

Town Attorney David York recommended the revision of the language in the site plan conditions 1-4 and 8 dealing with Main Street South to all reflect the wording that the CO is tied to Phase II.

*Pastor David Shaffer, Neuse Baptist Church*

Pastor Shaffer remarked that he appreciates the proceedings, that his church wants to be a part of the fastest growing town in the state, is committed to comply with findings, and will cooperate with the town and NCDOT. The Pastor stated that the church wants to build and asked the town board facilitate that.

Mayor Eagles shared that the church has been very cooperative. Upon being asked by the Town Attorney, Pastor Shaffer swore that the contents of the application under consideration were true to the best of his knowledge.

There were no comments from the public in favor or opposition at this time therefore no rebuttal from the applicant was required.

There being no one else wishing to speak on D15-02: *Neuse River Baptist Church // Phase Development of a Facility on a 53.20 acre tract located at Louisbury and Future 01 Bypass*, Mayor Eagles closed the public hearing at 8:08 p.m.

It was moved by Commissioner Whitley; seconded by Mayor Pro Tem Hodge, and unanimously carried that in Case D1502, the site plan was approved with amendments to site plan conditions 1-4 and 8 pertaining to Main Street South to reflect a change in language to state the issuance of a CO is tied to Phase II and to include all other recommended conditions as outlined by staff.

Mayor Eagles commented that “Good churches and good schools make good growth and makes good towns.”

#### Consideration of the Draft Agenda for Town Board Meeting to be held July 6, 2015

Mayor Eagles asked for any changes to the draft agenda for the July 6, 2015 Town Board meeting. Discussion was held regarding modifications to agenda items 7 and 8 as they both had preliminary action taken this evening. Other items appearing on the upcoming agenda remain unchanged.

Commissioner Hartis broached the subject of possible state tax distribution. Town Manager Bryan Hicks stated that he and the Mayor met with Senator Chad Barefoot last month regarding the subject. A tax report was distributed to the board members after which Mayor Eagles provided additional insight in to the tax redistribution. Discussion followed.

#### **CLOSED SESSION**

Upon a motion by Mayor Pro Tem Hodge, second by Commissioner Currin and unanimous vote, the board entered closed session at 8:23 p.m. pursuant to NCGS 143-318.11(a)(5) in order to provide instructions to the town attorney regarding property acquisition.

#### **RETURN TO OPEN SESSION**

At 8:38 p.m. a motion to come out of closed session was made by Mayor Pro Tem Hodge, seconded by Commissioner Whitley. Motion to return to open session received a unanimous vote.

Language for the proposed zoning text amendment regulating farmers markets, yard sales, etc. in the neighborhood overlay district is to be revised by staff at the request of the Planning Board. Following Planning Board review, the Town Board should expect the proposed amendments to come before them in August or September for policy decision.

Moved by Commissioner Whitley to approve Budget Amendment #2 for FY14-15 amending revenue and expenditure items within the general fund; seconded by Mayor Pro Tem Hodge. Motion received a unanimous vote. Budget Amendment #2 incorporated herein by reference.

#### Rolesville Elementary Gym

Town Manager Bryan Hicks presented three proposed improvement scenarios to Rolesville Elementary in response to an improvement bond passed during the last Wake County election.

Scheme 1 includes retention of the current gymnasium as originally approved in the bond. In addition, a cafeteria would be built and current modular units removed.

Scheme 2 resulted from Wake County Public School staff recommendations for demolition of the current gym as well as the building of a combination building to include a new gym, cafeteria and auditorium. Manager Hicks noted that this would create a change to the current track.

Scheme 3 came as a result of a Facilities Committee Meeting made up of Board of Education members. This plan would include the building of a new building to be used as a gym, cafeteria and auditorium as well. The current gym would be retained and a request has been made for the town to purchase the building. No level 4 agreement would exist with this scenario and the school system would have to make requests of the town for its use. The purchase cost is to be determined but thoughts are it would be double to value as when the town originally donated the building to the system.

The board concurred as to the preference for Scheme #1 as the town would still be able to use the building yet not incur the upkeep. Staff is to be notified of the board's preference for the Scheme 1 Site Plan.


Mayor Pro Tem Hodge presented two articles containing a synopsis of the Wake County Board of Commissioners budget as well as contributions to the Town of Rolesville and a number of projects that have not occurred yet.

**ADJOURNMENT**

Upon a motion by Commissioner Whitley; second by Mayor Pro Tem Hodge, the meeting was adjourned by unanimous vote. The meeting adjourned at 9:06 p.m.

  
Frank Eagles, Mayor

ATTEST:

  
Robin E. Reif, Town Clerk

