

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

October 20, 2015

MINUTES

PRESENT:

Frank Eagles, Mayor	Frank Hodge, Mayor Pro Tem
Gil Hartis, Commissioner	Bryan Hicks, Town Manager
Ronnie Currin, Commissioner	Thomas Lloyd, Planning Director
JG Ferguson, Parks & Rec Director	Bobby Langston, Police Chief
David Neill, Town Attorney	Robin Reif, Town Clerk

ABSENT

Commissioners Whitley and Whitaker

CALL TO ORDER

Mayor Frank Eagles called the meeting to order and led the pledge of allegiance. Leah Reed, Youth Minister of the Rolesville Baptist Church, gave the invocation.

APPROVAL OF THE AGENDA

Mayor Eagles asked for approval of the October 20, 2015 meeting agenda. On a motion by Mayor Pro Tem Hodge, second by Commissioner Currin, the approval of the October 20, 2015 meeting agenda carried by unanimous vote.

APPROVAL OF THE CONSENT AGENDA

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

Contract for services involving adult softball through the Parks and Recreation Department.

On a motion by Commissioner Currin, second by Mayor Pro Tem Hodge, the approval of the consent agenda carried by unanimous vote.

PUBLIC COMMENTS

None

At this time, Mayor Pro Tem Hodge stated, for the record, that the Baseball/Softball contract was more onerous than any contract he had ever seen.

REGULAR AGENDA

Continuation of Public Hearing for Case SUP15-01: *Quasi-judicial hearing involving a special use permit for Granite Crest (Phase IV) totaling 31 lots for single family dwellings.*

Open Public Hearing

Mayor Eagles opened the public hearing at 7:04 p.m.

Close Public Hearing

Due to the absence of two Commissioners, the public hearing was promptly closed by Mayor Eagles at 7:04 p.m. in order to continue it to the November 2nd Board of Commissioners' meeting beginning at 7:00 p.m.

Public Hearing: Case MA15-05: Map amendment petition to change the zoning of a 19.67 acre tract located on Forestville Road from R1 to R2-CZ.

Open Public Hearing

Mayor Eagles opened the public hearing at 7:04 p.m.

Introduction by Staff

Planning Director Thomas Lloyd provided comments on the proposed map amendment.

- In addition to the rezoning there is a preliminary subdivision plan to be reviewed at a later time for 24 lots.
- Located off Forestville Road.
- To be called Stonewater Phase III.
- Continuation of the Stonewater project originally approved in 2010 as the Powell property subdivision.
- Total acreage is just below twenty.
- Currently zoned R-1, proposed for zoning R2-CZ (conditional zoning district).
- Future land use is in the planned residential district or 4-6 dwelling units per acre.
- Lots will range from the smallest being 15,000 sq. ft. up to just under 23,000 sq. ft.
- 10% of gross acreage to be set aside as open space (1.88 acres).
- 3.5 of 7.61 acres provided will be suitable for recreation and outside of any environmentally sensitive areas.
- 10 ft. paved greenway trail to be constructed up front by the developer.
- Subject to review of water/sewer by City of Raleigh under the construction phase.
- Landscape buffers will go on the south and north of property line as required by ordinance.
- The main road in will stub out at the property line for future development to the south.

Questions were received on why a width of 12' was not being required for the paved greenway for emergency vehicles and, if a 2,500 sq. ft. minimum throughout all the neighborhoods effected was approved. Response was that the Fire Marshall's office had reviewed and approved the plans with the 10' width, thereby removing the temptation of its being driven on. The 2,500 sq. ft. minimum was approved and is consistent in Phases I, II, and III.

Comments from Applicant

NONE

Comments from Public in Favor

NONE

Comments from Public in Opposition

NONE

At this time, Mayor Pro Tem Hodge asked the applicant if the material was presented in agreement with his understanding. Applicant replied to the affirmative.

Rebuttal from Applicant

N/A

Close of Public Hearing

There being no one else wishing to speak, Mayor Eagles closed the public hearing at 7:14 p.m.

Involving case MA15-05, Commissioner Currin moved to approve the proposed map amendment as conditioned, along with the following consistency statement: The proposed zoning map amendment is consistent with the Comprehensive Plan and is reasonable and in the public interest, because of the following:

1. The Comprehensive Plan recommends that the property be zoned for planned residential use, and the request is to place the property under the R2-CZ zoning district which allows such use; and
2. The zoning map amendment positions the property for development that will increase the town's tax base while not frustrating the continued use or future development of nearby properties.

The motion was seconded by Mayor Pro Tem Hodge and carried by unanimous vote.

Public Hearing for Case D15-03: *Site plan request on behalf of Lennar Homes to construct a pool and clubhouse to serve the Cedar Lakes Subdivision.*

Open Public Hearing

Mayor Eagles opened the public hearing at 7:16 p.m.

Town Attorney Dave Neill read the following prepared statement:

Quasi-judicial hearings have characteristics similar to court proceedings. Quasi-judicial decisions must be based only on the evidence presented at the hearing and site visits by the board, if any. Witnesses must testify under oath or affirmation. The parties have the right to cross examine the witnesses. There is a right to present rebuttal evidence. The evidence provided by witnesses must be competent and material. North Carolina General Statute 160A-393 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. North Carolina General Statute 160A-393 specifically prohibits opinions that quote "the use of property in a particular way would affect the value of other property", or opinions that, "the increase in vehicular traffic, resulting from a proposed development, would pose a danger to the public safety", unless the witness is an expert on the subject.

At this time, Attorney Neill questioned all board members as to their existing or potential predispositions. Upon receiving satisfactory responses from all board members, Town Clerk Robin Reif swore in those persons in attendance wishing to provide testimony.

Introduction by Staff

Planning Director Thomas Lloyd provided comments on the proposed map amendment

- R1-SUD not seen frequently.
- Permissible in the district subject to site plan approval.

Comments from Applicant

Bill Aycock, Attorney for the applicant, introduced Pamela Porter and Matthew Gross. Each of these persons had been sworn in and was signed up to speak if questions needed answering. No additional comments were provided.

Comments from Public in Favor

NONE

Comments from Public in Opposition

NONE

Rebuttal from Applicant

N/A

At this time, Mayor Pro Tem Hodge asked those representing the applicant if they agreed with the presentation given by staff. There were no objections.

Close of Public Hearing

There being no one else wishing to speak, Mayor Eagles closed the public hearing at 7:27 p.m.

Involving Case D15-03 *Site plan request on behalf of Lennar Homes to construct a pool and clubhouse to serve the Cedar Lakes Subdivision* it was moved by Commissioner Hartis to approve the proposed site plan; seconded by Mayor Pro Tem Hodge.

Motion received a unanimous vote.

Public Hearing: *Town of Rolesville obtaining financing involving the purchase of 502 Southtown Circle*

Introduction by Staff

Town Manager Bryan Hicks provided a brief history and comments on the proposed BB&T proposal for financing of 502 Southtown Circle property acquisition.

- The Cornerstone campus committee was formed almost two years ago to formulate ideas on how to save money for the town and create a vision for a future town hall campus plan.
- The committee was comprised of board members, citizens and experts in related fields.
- Mr. Mattingly, representative of Lloyds of Rolesville, the owner of the building currently housing the town hall, has agreed to sell 502 Southtown Circle to the town for \$1,425,000.00 pending Local Government Commission approval.
- Mr. Mattingly has agreed to include an acre of land and fifty parking spaces with the 9,600 sq. ft. building.
- Staff researched various financing options elaborated on by Mr. Hicks.
- Under the current lease, the town pays \$156,000 per year for 502 Southtown Circle.
- Staff is recommending accepting the offer for financing from BB&T bank for fifteen (15) years at 2.77% making the first year payment equivalent to \$130,000+. This would represent a savings to the town of \$22,000 in the first year.
- Staff is seeking approval of the BB&T financial agreement.

Open Public Hearing

Mayor Eagles opened the public hearing at 7:34 p.m.

Comments from Public in Favor

NONE

Comments from Public in Opposition

NONE

Rebuttal from Applicant

N/A

Close of Public Hearing

There being no one wishing to speak, Mayor Eagles closed the public hearing at 7:34 p.m.

Under further discussion, Mayor Pro Tem Hodge stated that this process has been a long time coming and thinks it positive that this is being presented as it does not conflict with future plans for a town campus, rather provides more room for the future.

Moved by Commissioner Currin to approve the resolutions of the Town of Rolesville, NC authorizing the purchase and financing of real property and application to the Local Government Commission for financing approval pursuant to N.C. Gen. Stat. §160A-20; seconded by Mayor Pro Tem Hodge. Motion carried by unanimous vote.

Resolution included herein by reference.

Public Hearing for Case TA15-10: An amendment to the Town Code Chapter 11 regulating business sales

Introduction by Staff

Town Manager Bryan Hicks provided comments on the proposed amendment

Open Public Hearing

Mayor Eagles opened the public hearing at 7:42 p.m.

Commissioner Hartis questioned the amendment's impact on the farmer's market. It was noted that the amendment would be revised to contain under section 8.1D #111.08, adding letter h, adding an exemption for farmers markets approved by the town board at specific locations.

Mayor Eagles asked that cleanup also be specified to including the filling of any holes made.

Comments from Applicant

NONE

Comments from Public in Favor

NONE

Comments from Public in Opposition

George Drewett, 505 Pine Pearce Court, Rolesville, addressed the board about Keith Parker who he stated he was sure is classified as an itinerant merchant. Mr. Drewett asked why Mr. Parker was asked not to sell Christmas trees as Christmas time. Town Manager Bryan Hicks stated that Mr. Parker was not asked not to sell, rather that the town wanted to make certain to have its process in place, thus the ordinance under public hearing this date. The location chosen by Mr. Parker would have to be allowed under the process or be rezoned in order to be fair to all merchants. Any merchant will be allowed to sell if he/she abides by the town's process.

Rebuttal from Applicant

NONE

Town Attorney David Neill informed the board that a two-thirds vote would be required to pass the ordinance on its first reading. With the absence of two board members, voting on the ordinance was delayed until the next regularly scheduled meeting. The board consensus was to place the ordinance under the consent agenda of the November 2nd Town Board meeting.

Close of Public Hearing

There being no one else wishing to speak, Mayor Eagles closed the public hearing at 7:51 p.m.

Consideration of the Draft Agenda for Town Board Meeting to be held November 2, 2015

Mayor Eagles asked for any changes to the draft agenda for the November 2, 2015 Town Board meeting.

- It was noted that the enabling ordinance to amend Town Code Chapter 11 regulating business sales would be placed under the November 2nd consent agenda.
- Items #8 and #9 were removed as they were finalized and voted upon in the present meeting.
- Continuation of public hearing on Case SUP15-01 is to be added.
- Sanford Creek Elementary Chorus is to sing God Bless America as the invocation.
- Commissioner Currin asked that an update be provided on the results of the recently held town hall campus workshop.

OTHER BUSINESS

Mayor and Town Commissioner's Committee Reports

Mayor Eagles

- The Mayor was present at Louisburg Town Council's meeting and described the physical layout and some actions of the board. The Mayor also described the ease of the passing of an amendment made to their sign ordinance.
- Senator Barefoot gave a presentation on the state budget. The Senator would be willing to come to Rolesville to give the same presentation if invited. Senator Barefoot explained teacher pay in the state of North Carolina.
- The Mayor reported there is money in the budget for 401 to be extended up to Royal. Mayor Eagles attended the recent Wake County Commissioner's Work Session where he learned that there are numerous data centers seeking locations. Franklin County airport could be used as a draw for corporate jets.
- Franklin County expressed their appreciation for Rolesville's efforts on 401 North being extended and made four lanes.

Commissioners

Discussion was held on the extension of 401 to Franklin County.


Mayor Pro Tem Hodge commended Planning Director Thomas Lloyd on his concise presentations in the meeting.

ADJOURNMENT

Upon a motion by Commissioner Hartis; second by Commissioner Currin, the meeting was adjourned by unanimous vote. The meeting adjourned at 8:08 p.m.


C. Frank Eagles, Mayor

ATTEST:


Robin E. Reif, Town Clerk

