



Knightdale Town Council Minutes

March 15, 2023, 7:00 p.m.

950 Steeple Square Court, Knightdale, North Carolina 27545

Members Present: Mayor Jessica Day, Mayor Pro Tem Ben McDonald, Councilor Stephen Morgan, Councilor Latatious Morris, Councilor Steve Evans

Members Absent: Councilor Mark Swan

Staff Present: Town Manager Bill Summers, Assistant Town Manager Dustin Tripp, Assistant Town Manager Suzanne Yeatts, Town Clerk Heather Smith, Community Relations Director Rachel Morris, Communications and Marketing Manager Terrence Dove, Development Services Director Jason Brown, Police Chief Lawrence Capps, Fire Chief Loren Cone, Parks and Recreation Director Chris Wiley, Public Works Director Phillip Bunton, Senior Planner Kevin Lewis, Senior Planner Gideon Smith, Senior Planner Donna Goodman, Senior Planner Andrew Spiliotis, Town Attorney Roger Knight, HR Director Marcey Bell, Finance Director Mark Stephens

Additional Staff Present: Human Resources Analyst Blake Fields, Human Resources Technician Megan Parker, Human Resources Technician Kathryn O'Steen, Police Lieutenant Ron Fullerton, Police Sergeant Doug Crough, Police Officers Osvaldo Arizmendi, Miguel Renteria, Dashun Moore, Karen Gonzalez, and Chandler Koewler.

1. WELCOME

Welcome by Mayor Day at 7:02 p.m.

2. INVOCATION

Invocation led by Councilor Evans.

3. PLEDGE OF ALLEGIANCE

Pledge of Allegiance led by Girl Scouts Troop 3307.

4. ADOPTION OF AGENDA

...Motion to adopt the agenda.

Motion by Councilor Evans

Seconded by Mayor Pro Tem McDonald

Motion Carried Unanimously

5. PRESENTATIONS, RECOGNITIONS, AWARDS

a. Girl Scout Week Proclamation

Mayor Day proclaimed the second week in March as Girl Scouts Week in the Town of Knightdale to recognize the 111th anniversary of Girl Scouts USA.

b. Developmental Disability and Traumatic Brain Injury Awareness Proclamation

Mayor Day proclaimed March 2023 as Developmental Disability and Traumatic Brain Injury Awareness Month.

c. Recognition of Outgoing Board Members

Fire Chief Loren Cone recognized Saiyid Hasnain for his service on the Fire Service Advisory Board.

Police Chief Lawrence Capps recognized Greg Hedgepeth and Angele Dixon for their service on the Community Policing Advisory Board.

Mayor Jessica Day recognized the following advisory board members who could not attend the meeting:

- Gentry Lassiter - Land Use Review Board
- Richard Chen - Parks and Recreation Advisory Board
- Denise Kurtz - Fire Service Advisory Board

d. Introduction of HR Technician

Human Resources Director Marcey Bell introduced Kathryn O'Steen, the new Human Resources Technician.

e. Introduction of Community Relations Director

Town Manager Bill Summers introduced Rachel Morris, the new Community Relations Director.

f. Introduction and Oath of Police Officer

Police Chief Lawrence Capps introduced new Police Officer Osvaldo Arizmendi and Mayor Day administered the Oath of Office.

g. Creek Week Proclamation

Public Works Director Phillip Bunton introduced Regional Creek Week and shared upcoming events for the Town's second year of participation.

Mayor Jessica Day proclaimed the third week in March as Creek Week in the Town of Knightdale.

h. Arbor Day Proclamation

Senior Planner Donna Goodman shared that this year marks the 22nd year the Town has been recognized as a Tree City USA and highlighted upcoming Arbor Day events.

Mayor Day proclaimed March 23, 2023 as Arbor Day in the Town of Knightdale.

6. PUBLIC COMMENT

a. Open to the Public

Bob Reed, 3604 South Smithfield Road, spoke about infrastructure, safety, and growth.

b. Report on Citizen Inquiries

Mayor Pro Tem McDonald shared an inquiry he received related to an increase in advertisement signs around town, noting the inquiry was forwarded to staff for follow-up.

7. CONSENT AGENDA

...Motion to adopt the consent agenda.

Motion by Councilor Morris

Seconded by Mayor Pro Tem McDonald

Motion Carried Unanimously

- a. January 18, 2023 Closed Session Minutes
...Approve the January 18, 2023 Closed Session Minutes.
- b. February 15, 2023 Regular Meeting Minutes
...Approve the February 15, 2023 Regular Meeting Minutes.
- c. February 16, 2023 Joint Public Hearing Minutes
...Approve the February 16, 2023 Joint Public Hearing Minutes.
- d. February 16, 2023 Closed Session Minutes
...Approve the February 16, 2023 Closed Session Minutes.
- e. March 6, 2023 Work Session Minutes
...Approve the March 6, 2023 Work Session Minutes.
- f. Mayor's Monarch Pledge
...Join the Monarch Butterfly Pledge and direct staff to complete at least three items as required.
- g. Old Milburnie Street & Subdivision Names
...Adopt Resolution #23-03-15-001 approving subdivision and street names.
- h. Elevate Riverview Street Names
...Adopt Resolution #23-03-15-002 approving subdivision and street names.
- i. Forestville Yard Street & Subdivision Names
...Adopt Resolution #23-03-15-003 approving subdivision and street names.
- j. Knightdale Gateway Street Names
...Adopt Resolution #23-03-15-004 approving subdivision and street names.
- k. Silverstone Street Subdivision Names
...Adopt Resolution #23-03-15-005 approving subdivision and street names.
- l. Capital Project Ordinance - Forestville Rd Fire Station
...Adopt Capital Project Ordinance #23-03-15-001 for the Forestville Road Fire Station.
- m. Capital Project Ordinance Amendment - Mingo Creek Greenway

...Adopt Capital Project Ordinance Amendment #23-03-15-002 for the Mingo Creek Greenway.

n. ARPA Policies

...Adopt the Record Retention, Nondiscrimination, and Conflict of Interest Policies related to ARPA funding.

o. Budget Amendment #2023-12

...Adopt Budget Amendment #2023-12.

p. Budget Amendment #2023-13

...Adopt Budget Amendment #2023-13.

q. Budget Amendment #2023-14

...Adopt Budget Amendment #2023-14.

r. Budget Amendment #2023-15

...Adopt Budget Amendment #2023-15.

s. Fiscal Policies Update

...Adopt revisions to the Town of Knightdale Fiscal Policies.

t. Advisory Board Appointments

...Appoint William Palmer to the Fire Service Advisory Board for a term expiring on 2/28/2025.

...Appoint Tereciah Smithen-Quintana to the Community Policing Advisory Board for a term expiring on 2/29/2024.

...Appoint Brandon Jackson to the Parks and Recreation Advisory Board for a term expiring on 2/28/2025.

...Appoint Chris Parker to the Board of Adjustment for a term expiring on 2/28/2025.

u. Grant Project Ordinance Amendment - ARPA

...Adopt Ordinance #23-03-15-008 amending the ARPA Grant Project Ordinance.

8. PUBLIC HEARINGS

a. ZMA-12-20 Forestville Yard UAA

Public hearing opened at 7:44 p.m.

Senior Planner Kevin Lewis reviewed ZMA-12-20, an approved request to rezone 26.60 acres located at 1008 Old Knight Road to develop 137 residential lots.

Mr. Lewis shared the surrounding area land uses, master plan, and project timeline.

Mr. Lewis provided an overview of the proposed Utility Allocation Agreement, highlighting public utilities, water allocation policy compliance, phasing, and zoning, noting that all zoning conditions from ZMA-12-20 will carry forward in the Utility Allocation Agreement.

...Motion to close the public hearing at 7:48 p.m., approve the Utility Allocation Agreement, and adopt Ordinance #23-03-15-003.

Motion by Mayor Pro Tem McDonald

Seconded by Councilor Evans

Motion Carried Unanimously

b. AN-1-23 Elevate Riverview Annexation

Public hearing opened at 7:49 p.m.

Senior Planner Kevin Lewis presented a voluntary annexation petition for 28.85 acres located near the corner of Poole and Hodge Road for the development of 394 multi-family units.

Mr. Lewis shared the approved site plan and summarized the cost-benefit analysis, highlighting projected revenues and expenditures.

...Motion to close the public hearing at 7:52 p.m. and adopt Ordinance #23-03-15-004 effectively annexing the area.

Motion by Councilor Evans

Seconded by Councilor Morgan

Motion Carried Unanimously

c. Installment Financing Fire Station Forestville Road

Public hearing opened at 7:52 p.m.

Finance Director Mark Stephens discussed the budget for the proposed Fire Station on Forestville Road, indicating that the town plans to fund the project with \$5,000,000 from ARPA funds and \$2,200,000 through financing.

Mr. Stephens noted the total debt borrowing amount will be \$3.7 million, which will cover the fire station and two fire engines that are currently on order.

Mr. Stephens reviewed the projected timeline for approvals and closing.

...Motion to close the public hearing at 7:54 p.m. and adopt Resolution #23-03-15-006.

Motion by Councilor Morris

Seconded by Mayor Pro Tem McDonald

Motion Carried Unanimously

9. SET PUBLIC HEARINGS

a. AN-2-23 Project Hope Annexation

Senior Planner Kevin Lewis presented a voluntary petition for annexation for 62.92 acres located at 5200 Knightdale-Eagle Rock Road. The proposed property would consist of 157 single-family lots, 134 multi-family units, and support facilities.

...Motion to direct the Town Clerk to investigate the sufficiency of the petition, adopt Resolution # 23-03-15-007, and set the Public Hearing for April 19, 2023.

Motion by Councilor Morgan

Seconded by Councilor Morris

Motion Carried Unanimously

b. AN-3-23 Brio West Annexation

Senior Planner Kevin Lewis presented a voluntary petition for annexation for 97.12 acres located at 1620 and 1700 Old Crews Road. The property is proposed to be developed as a single-family neighborhood.

...Motion to direct the Town Clerk to investigate the sufficiency of the petition, adopt Resolution # 23-03-15-008, and set the Public Hearing for April 19, 2023.

Motion by Mayor Pro Tem McDonald

Seconded by Councilor Evans

Motion Carried Unanimously

10. OLD BUSINESS

a. Mingo Creek Greenway Conditional Award and Contract

Senior Planner Andrew Spiliotis provided an overview of the Mingo Creek Greenway Extension project, highlighting surveys, design work, approvals, permitting, and funding.

Mr. Spiliotis reviewed the construction bid process, indicating Fred Smith Company was found to be the lowest responsive, responsible bidder.

Mr. Spiliotis summarized next steps, including NCDOT approval, and discussed the project funding, noting additional funding acquired from CAMPO.

...Motion to adopt Resolution #23-03-15-009 accepting the bid and conditionally awarding the construction contract to FSC II, LLC dba Fred Smith Company pending NCDOT approval of the bid concurrence package.

Motion by Councilor Morris

Seconded by Mayor Pro Tem McDonald

Motion Carried Unanimously

b. ZTA-1-23 Quarterly Update

Senior Planner Donna Goodman summarized ZTA-1-23, a town-initiated Zoning Text Amendment request, highlighting the following proposed changes:

- Increase access to solar energy
- Establish provisions for Medical Cannabis Centers
- Establish additional standards for Vape, Tobacco, & CBD Stores
- Revise regulations for permanent suspended shingle post signs
- Add exemptions for sport court fences and Public Safety Facility driveways

Mrs. Goodman shared that no comments were received at the Joint Public Hearing and indicated the Land Use Review Board unanimously recommended approval, submitting the following advisory statement:

"The proposed zoning text amendment is consistent with the KnightdaleNext 2035 Comprehensive Plan's goal of determining effective public policy that provides an ongoing framework for informed and directed public investment and private development. Further, it is reasonable and in the public interest as it aids in establishing a unique community design and clarifies development regulations for property owners, businesses, and developers."

...Motion to approve ZTA-1-23, adopt the staff-recommended advisory statement of plan consistency, and adopt Ordinance #23-03-15-005.

Motion by Councilor Morgan
Seconded by Councilor Morris

Motion Carried Unanimously

c. ZMA-1-23 NCDOT Cell Tower Relocation

Senior Planner Kevin Lewis presented ZMA-1-23, a request to rezone 15.54 acres located at 7417 Poole Road from Neighborhood Mixed Use (NMU) to Rural Residential-1 (RR1) to allow for the relocation of a wireless telecommunication tower.

Mr. Lewis reviewed the vicinity map, site profile, surrounding area land uses, project timeline, permitted uses in the proposed zoning district, and the proposal's consistency with the KnightdaleNext Comprehensive Plan.

Mr. Lewis shared that the Land Use Review Board voted unanimously to recommend approval, forwarding the following advisory statement:

"The proposed Zoning Map Amendment is inconsistent with the KnightdaleNext 2035 Comprehensive Plan's Growth & Conservation Map Neighborhood Node Place Type. However, the request is reasonable and in the public interest as the future use of the parcel will be impacted by the completion of I-540, which shall limit the amount of land available for future development. Due to the future conditions of this area, the playbook approach may be applied to determine the "Rural Living" Place Type is a more appropriate designation."

...Motion to approve ZMA-1-23, adopt the staff-recommended advisory statement, and adopt Ordinance #23-03-15-006.

Motion by Councilor Evans
Seconded by Mayor Pro Tem McDonald

Motion Carried Unanimously

11. NEW BUSINESS

12. QUASI-JUDICIAL PUBLIC HEARING

a. NCDOT Cell Tower Special Use Permit

Public hearing opened at 8:12 p.m.

Town Attorney Roger Knight shared rules pertaining to quasi-judicial public hearings.

Senior Planner Kevin Lewis was sworn in by Mr. Knight and presented a vicinity map, site profile, and project timeline for 15.54 acres located at 7417 Poole Road and owned by the Raleigh Rugby Club. Mr. Lewis indicated the property was recently rezoned to Rural Residential 1, which allows for a wireless telecommunication tower with a special use permit.

Mr. Lewis indicated that all public hearing notice requirements were met and shared that the neighborhood meeting was held virtually with three neighbors in attendance. Topics discussed during the meeting includes construction timelines, building materials, and NCDOT/I-540 plans.

Mr. Lewis requested the town Staff Report, Application Packet, Proposed Master Plan, and all Attachments be entered into the record as evidence. The items are attached as Exhibit A.

Mr. Lewis reviewed Special Use Permit procedures, noting the town's Unified Development Ordinance (UDO) requires the following findings of fact be met with special use permit public hearings:

1. The use meets all required principles and specifications of the UDO and any adopted land use plans, is in harmony with the general purpose and intent and preserves its spirit.
2. The proposed plan as submitted and approved will be visually and functionally compatible with the surrounding area.
3. The public health, safety, and welfare will be assured to not substantially injure the value of adjoining property and associated uses if located where proposed.

In addition, Mr. Lewis shared that the burden of proof to support the findings of fact falls on the applicant and a Special Use Permit (SUP) should be approved or denied based on testimony and evidence.

Mr. Lewis shared an analysis of the master plan, highlighting tower relocation, setbacks, design, fencing, landscaping, and fall radius and discussed the proposal's consistency with the town's Comprehensive Plan.

Mr. Lewis presented staff's recommended findings of fact as follows:

1. That the property identified as Wake County PIN 1743-50-3468 is located within the Extraterritorial Jurisdiction of the Town of Knightdale and is therefore subject to the requirements of the Unified Development Ordinance.

2. That the subject property is currently zoned Rural Residential-1 (RR1) and is currently in use as an outdoor recreation facility and wireless telecommunication facility.
3. The applicant proposes to relocate the existing wireless telecommunication facility on the site.
4. That the proposed use meets all required principles and specifications of the UDO and any adopted land use plans.
5. That the proposed use is in harmony with the general purpose and intent and preserves its spirit.
6. That the proposed plan as submitted and approved will visually and functionally compatible with the surrounding area.
7. That the public health, safety, and welfare will be assured to not substantially injure the value of the adjoining value property and associated uses if located where proposed.

Mr. Lewis also presented the following staff recommended conclusions of law:

1. The proposed special use conforms to the character of the area, considering the location, type and height of buildings or structures and the type and extent of vegetation on the site.
2. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning districts.
3. The proposed use will not endanger the public health, safety, and welfare of the Town.
4. The application will not substantially injure the value of adjoining or abutting property.
5. The proposal meets all required principles and specification of the UDO, unless excepted, and adopted land use plans, is in harmony with the general purpose and intent and preserves its spirit.

Nishka Hatten with Kimley Horn was sworn in by Mr. Knight.

Ms. Hatten reviewed the project location and provided an overview of the existing tower, noting it was installed in 1999 under Wake County jurisdiction, currently supports five carriers, and provides 911 emergency services to the community.

Ms. Hatten indicated the relocation request is due to the incoming I-540 project and presented design constraints and relocation efforts, indicating the Raleigh Rugby Club wishes to relocate the tower to a piece of property that will remain after the I-540 roadway construction project is complete. Raleigh Rugby Club has submitted a letter of support for the special use permit application.

Ms. Hatten summarized a variance request that was approved in October 2022 by the Knightdale Board of Adjustment, shared images of the proposed tower compound, layout, and access, and discussed UDO compliance.

Ms. Hatten shared the three main priorities with the relocation efforts are to minimize impact to Knightdale neighbors, allow minimal disruption to the network, and allow the Raleigh Rugby Club to maintain the use of their fields.

The presentation by Ms. Hatten is attached as Exhibit B.

Town Attorney Roger Knight closed the public hearing 8:36 p.m.

...Motion to approve SUP-2-22, the findings of fact, and an order granting SUP-2-22.

Motion by Mayor Pro Tem McDonald

Seconded by Councilor Morris

Motion Carried Unanimously

13. ADVISORY REPORTS

Mayor Pro Tem McDonald noted that new members were welcomed at the most recent Land Use Review Board meeting.

14. CLOSED SESSION

15. ADJOURNMENT

...Motion to adjourn at 8:37 p.m.

Motion by Councilor Morgan

Seconded by Councilor Evans

Motion Carried Unanimously

Heather Smith, Town Clerk

Jessica Day, Mayor