



May 7, 2019

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, May 7, 2019 in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Sears presided, calling the meeting to order at 7 p.m. A quorum was established as the mayor and five council members were present as the meeting opened.

Council Members Present: Mayor Sears, Councilmen Tom O'Brien, Dan Berry, and Peter Villadsen and Councilwomen Cheri Lee and Christine Kelly.

Council Members Absent: None.

Planning Board Members Present: Rick Madoni.

Staff Members Present: Randy Harrington, *Town Manager*; Daniel Weeks, *Assistant Town Manager*; John Schifano, *Town Attorney*; Latisha Butler, *Deputy Town Clerk* (recording the minutes); Gina Clapp, *Director of Planning and Zoning*; Sean Ryan, *Planning*; Kendra Parish, *Director of Engineering*; Melissa Sigmund, *Planning*; Rachel Jones, *Engineering*; Jeff Wilson, *IT Director*; LeeAnn Plumer, *Parks and Recreation Director*; Adam Huffman, *Parks and Recreation*; Mark Andrews, *Public Information Officer*; Tamara Ward, *Interim Director, Communications and Marketing*; Irena Krstanovic, *Director of Economic Development*; Leroy Smith, *Fire Chief*; Erika Phillips, *Director of Human Resources*, Mary Hogan, *Director of Finance*; Sean Byrd, *Director of Water*.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Executive Pastor, Jeremy Hyde, of The Point Church in Holly Springs.

4. Agenda Adjustment: The May 7, 2019 meeting agenda was adopted with changes, if any, as listed: none.

Motion by: O'Brien

Second by: Villadsen

Vote: Unanimous

5. Public Comment: At this time, an opportunity was provided for members of the audience who had registered to speak to address the Council on any variety of topics not listed on the night's agenda. The following comments were recorded:

Susan Morgan of 508 Wildwood Farm Way – She asked the residents who were present to stand and there were several residents who attended the meeting. She stated that the residents of the Wildwood Farm Way along the access road never had a chance to meet with Lowe's before the master plan, so they were not aware of the meeting and did not have an opportunity to speak about the need for a fence below the Lowe's store or a gate at the access road. She stated that she met with Melissa Sigmund back in August and Melissa stated that a fence would be going around the perimeter of the entire area adjoining the residential property; however, when the master plan was released, that was not the case. They are still asking for a solid, tall fence below Lowe's to act as a sound barrier and provide additional security and privacy. They also asked for the trees at Lowe's curve below the building to be evergreen instead of semi-deciduous to act as a sound barrier and

she stated that Travis with Lowe's stated that they are still taking these requests into consideration, but the residents would like to hear from Lowe's today. She spoke with Rachel Jones from the planning department about the need for a gate and Lowe's incorporated a metal swing gate with a knock-knock box locking system, but it provides no security or noise control or a visual barrier down the access road into Wildwood community. She stated that William Strickland from the fire department stated that he would be okay with a solid gate as long as it had the same type of locking system. Rachel from planning was asked by counsel at the last meeting to find out what type of gate the fire department would allow and the residents need to hear from Rachel because she has heard from the fire department. The residents would prefer a solid gate.

Kim Tillery of 520 Wildwood Farm Way, asked if council would take their requests into consideration.

Karen King of the Wildwood community asked of the same.

Christine Quante with Holly Springs Chamber of Commerce, 344 Raleigh Street, thanked Randy and his entire staff and all of the town's leaders for helping with Springs Fest, which attracted more than 3,000 people this year. She also stated that there were no safety issues and she is looking forward to next year.

Councilman O'Brien stated that it was a great event that was well organized.

Mayor Sears closed the public comment period.

6a. Recognition: 12U Girls All-Stars – Mayor Sears said the SWAC is a branch of the NC Recreation and Parks Association designed to promote interest and participation in recreational athletics. The sectional tournament was hosted in Asheboro and the 12U Girls All Star team finished in the top two, earning a bid to the State tournament. The girls dominated in the state tournament, winning the championship game with a score of 43 – 20.

Chris Champion of Parks and Recreation recognized the girls of the 12U basketball team. The team competed in & won the 12U SWAT State Championship and he asked everyone to give them a round of applause.

Coach Tim Bradley recognized the players individually and Mayor Sears presented them with awards.

A photo was taken of the players with Mayor Sears, Chris Champion, and Tim Bradley.

Councilman O'Brien stated that not only is Coach Tim a great coach, but he is also a good basketball player; he plays on his team.

Action: None.

6b. Recognition: Kids Appreciation Day and Kids to Parks Day – Mayor Sears said that the Kiwanis Club of Holly Springs has been hosting a community festival celebrating Terrific Kids and Terrific Teachers since 2002. This year is the 17th annual Kids Appreciation Day at Sugg Farm Park on May 18, 2019 from 11 am to 3 pm.

Those who attended were: Chandler Cobb, Terrific Kids Student Leadership Program Chair; Jimmy Cobb, Treasurer and Past President; Mike Stone, Current President; Tom Harrington, Member, and his daughter, Cailee Harrington, Holly Springs High School Key Club President; and Joe LoFaro, Kids Appreciation Day Event Chair

Jimmy Cobb of 4936 Sunset Forest Circle, stated that the Kiwanis Club of Holly Springs is dedicated to serving the needs of the children in our local community and beyond. He recognized a few kids who have displayed certain qualities. He also spoke about the Terrific Kids & Terrific Teacher program, which is a recognition program that promotes character development, self-esteem, and perseverance. TERRIFIC is an acronym for thoughtful-enthusiastic-respectful-responsible-inclusive-friendly-inquisitive- and capable. Each school nominates a maximum of 3 students and 1 teacher from their staff in their enrollment to win the Terrific Kids & Terrific Teacher award. He stated that these kids who were recognized represent the moral values that we as a community hold to be priceless.

Mayor Sears presented the Kiwanis Club with a proclamation proclaiming May 18, 2019 Kids Appreciation Day in Holly Springs and a photo was taken of the kids with Mayor Sears, Jimmy Cobb, Mike Stone, and Chandler Cobb.

Mayor Sears stated that May 18th is also National Kids to Parks Day. On this day more than one million people will take part by visiting their local, state, or National parks. He said that the Town of Holly Springs supports this initiative to encourage families to enjoy and protect our shared spaces.

Action: None.

6c. Recognition: Childhood Apraxia of Speech Awareness Day

Mayor Sears said that childhood apraxia of speech is a serious speech defect that causes children to have significant difficulty learning to speak. Children affected with apraxia are at high risk for secondary impacts such as difficulty in reading unless they receive appropriate speech therapy intervention. He said that the Town of Holly Springs wishes to raise awareness of this issue and voice support for affected families by proclaiming May 14, 2019 as Apraxia Awareness Day in Holly Springs.

Mayor Sears stated that he had no idea what childhood apraxia was, but stated that we are going to hear more about it. He invited Charmaine James to come up and speak.

Charmaine James of Arbor Creek, 212 Capello Court in Holly Springs, brought her daughter Aliyah, who suffers from childhood apraxia. She presented a story about the birth of her daughter and how & when she received her daughter's diagnosis. She also spoke about her daughter's progress. She is determined to raise awareness about the disorder.

Mayor Sears stated that he had never heard of apraxia and this is an awareness day. He presented Ms. James with a proclamation, declaring May 14, 2019 as Apraxia Awareness Day in Holly Springs and he told her that she brought the Town of Holly Springs some new knowledge.

Action: None.

7a. Public Hearing: Comprehensive Plan Amendment 18-CPA-01, Rezoning Petition 18-REZ-01, and Planned Unit Development 18-PUD-01 for 3708 & 0 Woods Creek Road – Carolina Springs

Sean Ryan said that Carolina Springs is a proposed mixed-use development consisting of commercial/retail, office, multifamily housing and single-family housing totaling approximately 340,000 - 1,020,000 square feet of non-residential and up to 1,700 residential dwelling units located south of the interchange of Old Holly Springs Apex Road/Veridea Parkway and NC540.

He said the proposal also includes land dedication for a town park and fire station, tree preservation and open space standards, and public and private trail systems.

Mr. Ryan summarized the timing of the non-residential development vs. residential development as outlined in the IRA and in response to concerns brought forth by the Planning Board.

Non-Residential Requirement. The commercial and retail component of this Mixed-Use Project is important to the Town as it increases the tax base, provides necessary services to residents, and alleviates traffic congestion by creating a livable, walkable, and sustainable neighborhood. As such, the Town through this Agreement seeks to encourage and require the Developer to implement the non-residential component at the early stage of development. The parties agree that prior to issuance of a building permit for any residential structure that represents the percentages listed below, the Developer shall achieve the milestones listed for non-residential development, exclusive of any large single use sports facility, such as the proposed Ice Plex. Failure to achieve such milestones shall allow the Town to withhold any future building permits for residential ERUs until such milestones are reached.

Percentage of Residential ERUs	Non-Residential Milestone (Exclusive of Ice Plex Facility)
25%	Approval of Plans for at least 20,000 Square feet of non-residential ERU(s)
50%	Construction Complete of at least 20,000 Square feet, Plans approved for next phase equal to at least 40,000 square feet of additional non-residential ERU(s)
75%	Completion of a total of at least 60,000 SF of non-residential ERU(s), plans approved for an additional 80,000 SF
90%	Completion of a total of at least 140,000 SF of non-residential ERU(s).

Developer shall use all best efforts to continue construction on such non-residential structures until completion. Upon documentation of any exigent circumstance, including market conditions, the Developer may receive an adjustment of the milestones set forth in this paragraph by the approval of the Town Council

Rachel Jones with Engineering stated that with this PUD and per their UDO and engineer design and construction standards, they are required to provide utilities to the project site. She also stated that regarding transportation, a traffic impact analysis was completed with the PUD project and the recommended improvements from the analysis will be incorporated as the project develops.

Rick Madoni of the Planning Board said that The Planning Board discussed the following issues and concerns on 04/23/2019:

- Whether the Planned Unit Development was more appropriate than using the standards in the Unified Development Ordinance, such as Development Options or Mixed-Use Option.
- Whether the project was unique enough to warrant the use of a Planned Unit Development.
- The water capacity and sewage treatment capacity for a development of this size and whether there could be capacity issues for other developments in the future.
- Pedestrian connectivity and need for provisions for cyclists in this area.

- Concern on whether or not the Town has the funding available to develop the Town Park and if the developer should be required to assist with improvements.
- Although the proposed iceplex could be allowed in the Planned Unit Development, the importance of considering all possible land uses.
- The timing of the non-residential development vs. residential development.
- The status of the revisions to the Future Land Use and Community Character Plan and the relationship to this proposal.

Mr. Madoni said that the Planning Board recommended approval with a vote of 8-0-1.

The Planning Board then made the following additional motion:

Town Council, when considering the proposed PUD, should confirm phasing of residential vs non-residential that is included in the proposed IRA is transferred over to the PUD to ensure that stated phasing is linked to the PUD zoning designation.

The Planning Board voted in favor of the Motion with a vote of 8-0-1.

With that explanation completed, Mayor Sears opened the public hearing. The following input was recorded:

David Stallings, owner of Shenandoah Homes and Capital Properties, the applicant for the PUD zoning, discussed the residential/non-residential mix uses for the property requested to be developed.

Brian Richards with Withers/Ravenel stated that they want to provide a wide range of housing; provide a range of housing for all types of living situations.

Rynal Stephenson with Ramey Kemp & Associates discussed the traffic impact analysis.

There being no further input, the public hearing was closed.

Action 1: Motion to adopt Comprehensive Plan Amendment Resolution 19-17 and Rezoning Ordinance 19-REZ-01 to approve the rezoning of 396± acres of Wake County PIN 0730634462 (portion of further described in Resolution 19-17 and Ordinance 19-REZ-01) and 0740032625 from LB Local Business, R-20 Residential, and R-30 Residential to Planned Unit Development District, thereby changing the Future Land Use Plan Designation of the above listed parcels from Business Park to Mixed Use.

Motion by: Berry

Second by: Lee

Vote: Unanimous

Action 2: Motion to approve Planned Unit Development Master Plan 18-PUD-01 for Carolina Springs with conditions as stated in the Agenda Packets.

Motion by: Lee

Second by: Villadsen

Vote: Unanimous

Action 3: Motion to approve the Infrastructure Reimbursement Agreement (IRA) in association with the Planned Unit Development Master Plan 18-PUD-01 for Carolina Springs.

Motion by: Villadsen

Second by: Berry
Vote: Unanimous

8a. Consent Agenda: Approved

The Council approved a motion to approve all items on the Consent Agenda. The motion carried following a motion by Councilman Tom O'Brien, a second by Councilman Peter Villadsen, and a unanimous vote. The following actions were affected:

8a. Minutes – The Council approved minutes of the Council meeting held April 16, 2019 and the workshop special meeting held April 30, 2019.

8b. Calendar Adjustment – The Council approved adjustments to the 2019 Meeting Calendar.

A copy of the calendar adjustments is attached to these minutes.

8c. Budget Amendment for State-Funded Grant Awards – The Council approved a budget amendment to move funds from NC Dept. of Public Instruction Grant account to Misc. Special Program Contributions Account.

A copy of the budget amendment is attached to these minutes.

8d. Budget Amendment for Vehicle Purchase – The Council approved a budget amendment to move funds from Fiber Optic Lease Revenues account to the Capital Outlay Equipment account.

A copy of the budget amendment is attached to these minutes.

8e. 16-016 Crosswalk Safety Capital Project – The Council approved Resolution 19-16, closing Town Project 16-016 Crosswalk Safety Capital Project, and transferring unexpended funds to Streets Reserve Fund.

A copy of Resolution 19-16 is attached to these minutes.

8f. 242 Main Street Development Agreement Fee Reimbursement – The Council approved a motion to reimburse 50% of fees in accordance with the 242 Main Street Holly Springs LLC development agreement.

8g. Ancillary Governmental Participant Investment Program Trust Agreement – The Council approved Resolution 19-13 and the Agreement Establishing Local Government Other Post-Employment Benefits Trust.

A copy of Resolution 19-13 is attached to these minutes.

8h. Annexation A19-03 – The Council approved Resolution 19-17 directing the Town Clerk to investigate the sufficiency of annexation petition 19-03 and set public hearing to Tuesday, May 21, 2019.

A copy of Resolution 19-17 and map are attached to these minutes.

8i. Nepotism Policy – The Council approved amendments to the Town's Nepotism policy.

8j. Engineering Design and Construction Standards – The Council approved updates to the Town's Engineering Design and Construction Standards.

8k. Town Hall Commons Parking Deck Contingency – The Council approved expending contingency funds as needed to complete the Town Hall Commons Parking Deck.

9. New Business:

9a. Midterm Vacancy for Board of Adjustment

Gina Clapp, Director of Planning and Zoning, said that in February Mr. Bill Daniels notified the Town that he was resigning from the Board of Adjustment effective immediately. The vacated term is for an In-Town Regular Member, term ending February 29, 2020. In accordance with the Board Appointment Policy Statement, the vacancy was advertised and applications were sought to fill this vacancy.

The Office of the Town Clerk received the attached application to fill this vacancy. The attached a map indicates the location of the current Board of Adjustment Members and the candidate, Morgan Wiley, Brook Manor (current In-Town Alternate Member.) Ms. Clapp informed Council that if they select Ms. Wiley then the Town will need to advertise to fill the newly vacated Alternate Member position.

Action: Motion to appoint Morgan Wiley as an in-town regular member of the Board of Adjustment.

Motion by: O'Brien

Second by: Villadsen

Vote: Unanimous.

10. Unfinished Business

Mayor Sears talked about crosswalk safety; Councilman O'Brien talked about the event this past week regarding the motorcycle ride, Farmer's Market, and Springs Fest; Councilwoman Kelly addressed the downtown parking issues; Councilman Berry asked about the Carl Dean Greenway & the completion of it; Councilwoman Lee mentioned the upcoming soccer game and that Wake FC has its first game this week at Ting Stadium and she asked about having a table of contents for the agenda packets.

10a. Development Plan 18-DP-15 Lowe's Home Improvement / Wegmans

Sean Ryan, Planning, said that Town Council approved Development Plan 18-DP-15 for Lowe's Home Improvement / Wegmans on April 16, 2019 subject to modifications of the greenway and landscape/buffer yard along the shared property line with Wildwood Subdivision. The applicant has provided updated plans to address Town Council's concerns. All plans include modified landscaping near the Wegmans' Café, as well as indicating the 10' screen wall height behind the Wegmans' building.

Mr. Ryan said that four design options have been provided to address concerns regarding placement of the greenway: (presented by LeeAnn Plummer with Parks & Recreation) – suggested a hybrid option of option A & section C2 when asked by mayor which did she prefer.

- Option A: Maintains the greenway in the location as shown in the site plan presented by the applicant at the April 16th Council meeting.
- Option B: Removes the greenway entirely from the site
- Option C (one or both pieces of Option C may be selected by Council):
 - C1: Modifies the location of the greenway behind the Wegmans' building, moving it approximately 8' to the north, away from the adjacent subdivision.
 - C2: Modifies the location of the greenway on the eastern portion of the site, routing it to the north through existing vegetation and away from the adjacent subdivision
- Option D: Utilizes the proposed greenway illustrated in the Comprehensive Transportation Plan 4.2B.

Mr. Ryan said that the Planning Board has not reviewed the proposed modifications, Options C1, C2, or D.

Action: Motion to approve modifications to Development Plan #19-DP-15 for Lowe's Home Improvement / Wegmans to incorporate Options A and C2, with the conditions as stated in the agenda packet.

Motion by: O'Brien

Second by: Villadsen

Vote: Unanimous.

11. Manager's Report:

Randy thanked Christine Quante & the Holly Springs Chamber of Commerce and also the staff of all of the departments of the town.

He recognized Kendra Parrish, who was appointed to the Wake County Water Partnership at the April 15, 2019 Board of County Commissioners meeting.

He recognized Jeff Wilson, who received the 2019 Local Courage Award from the Coalition of Local Internet Choice Organization that is a national organization that is focused on ensuring local governments have the authority to retain decision-making authority on critical broadband infrastructure matters.

Randy announced that Daniel Pope has been promoted as the new Code Enforcement Director and he apologized to Daniel for not making a public recognition until now. He stated that Daniel will be responsible for ensuring that commercial and residential construction adheres to the state building code as well as maintaining our minimum housing of standards in Holly Springs. He also stated that Daniel has been an employee for a number of years and he has previously served as the Interim Director and Senior Lead Inspector.

Randy stated that he is really excited about next Tuesday at 6:00 p.m., which is when the manager's recommended budget presentation will be held in the council chambers. He stated that there will be a presentation or he will outline the core highlights of the recommended budget for council members. He stated that a public hearing will be held on the following Tuesday, the 21st and a public workshop on May 28th.

Councilman Berry made a motion to go into closed session at 9:40 p.m., seconded by Councilman Villadsen, with a unanimous vote, pursuant to N.C.G.S. 143-318.11(a)(4) to discuss a potential economic development matter. The Economic Development Director, Town Manager, and Assistant Town Manager briefed the Council on a particular property located on Main Street. The Economic Director briefed the Council on recent discussions and efforts made regarding the property. No action was taken and no decisions were made by the Council as this was for information sharing only.

Councilwoman Lee made a motion to leave closed session, seconded by Councilman O'Brien, with a unanimous vote at 10:01 p.m.

12. Adjournment: No further business was conducted.

Respectfully Submitted on Tuesday, May 21, 2019.

Latisha D. Butler, Deputy Town Clerk

Addenda pages as referenced in these minutes follow and are a part of the official record.