



June 4, 2019

**MINUTES**

The Holly Springs Town Council met in regular session on Tuesday, June 4, 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 four council members were present as the meeting opened.

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

**Council Members Absent:** Councilman Pete Villadsen.

**Staff Members Present:** Randy Harrington, *Town Manager*; Daniel Weeks, *Assistant Town Manager*; John Schifano, *Town Attorney*; Linda McKinney, *Town Clerk* (recording the minutes); Gina Clapp, *Director of Planning and Zoning*; Matt Beard, *Planning*; Sean Ryan, *Planning*; Kendra Parish, *Director of Engineering*; Rachel Jones, *Engineering*; Billy Whitehead, *IT*; LeeAnn Plumer, *Parks and Recreation Director*; Mark Andrews, *Public Information Officer*; Tamara Ward, *Interim Director, Communications and Marketing*; Mary Hogan, *Director of Finance*; Corey Petersohn, *Finance*; Tina Stroupe, *Finance*; John Herring, *Chief of Police*; Leroy Smith, *Fire Chief*.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Pastor Jonathan Sherrod of Kirk of Holly Springs.

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

**Motion by:** O'Brien

**Second by:** Lee

**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:

Christine Quante, Holly Springs Chamber of Commerce, said thank you to the Town for supporting the Chamber of Commerce at the Executive Women's luncheon.

Aaron Wolff, 109 Yosemite Court, Holly Springs, said he had spoken to the Council in the past, after the Virginia Tech shooting, about Wear Orange Day to draw attention to gun violence. He said that today he was disappointed that the Town was not proclaiming it again this year. He said he understands the controversial nature of this proclamation and respects the Council's reservations. But he wanted to say that Wear Orange is not about new laws or new restrictions, but about raising awareness and keeping our children safe. He said that he hopes next year the Council will reconsider and declare Wear Orange Day in Holly Springs.

Mayor Sears closed the public comment period.

**6a. Recognition: Certificate of Achievement for Excellence in Financial Reporting** - Tina Stroupe, Finance said that the Town has been awarded the Government Finance Officers Association's (GFOA) Certificate of Achievement for Excellence in Financial Reporting for year ending June 30, 2018 for its Comprehensive Annual Financial Report (CAFR). Ms. Hogan explained that the Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting and its attainment represents a significant accomplishment and a standard of excellence in financial reporting. The Award of Financial Reporting Achievement (AFRA) has also been presented to the Finance Department as the primary department responsible for earning the Certificate.

Ms. Hogan said that the Town has received the GFOA Certificate of Achievement for Excellence in Financial Reporting for the last 13 years. The plaques are displayed in the Finance Department. The CAFR is judged by an impartial panel of reviewers. It is evaluated and graded in 17 different categories and then comments and suggestions are offered for reporting improvements. The Town was graded proficient in 16 categories and the remaining category was not applicable to the Town's CAFR.

Mayor Sears congratulated the Finance Department for their achievement. Randy Harrington thanked the entire Finance Department for their hard work and dedication.

**Action:** None.

**7a. Requests and Communications: Crosswalk Safety** - Daniel Weeks, Assistant Town Manager, said that the town has employed safety tools including the use of RRFB's, School Resource Officers, and educational materials including videos, print, and verbal communications to increase crosswalk safety. He said Town Council had expressed a desire to understand if our current crosswalk safety measures could be enhanced to help ensure greater pedestrian safety. He then said there was no action requested at this time.

Mr. Weeks said that State law requires vehicles to stop for pedestrians in crosswalks. He then gave the following statistics: 48% of fatal pedestrian crashes involved alcohol, with a mix of both pedestrian impairment and driver impairment; 70% of pedestrians killed in traffic crashes were males; 72% of pedestrian fatalities occurred at non-intersections and 18% at intersections; 75% of fatalities occurred in the dark, 22% in daylight, and 3% at dusk or dawn. The maximum fine for failing to stop for a pedestrian is \$288. The Holly Springs Police Department has compiled crosswalk campaign data from 2018. Out of 95 campaigns at seven different locations, four citations were issued. He said that this does not show warnings and other actions, but that stricter enforcement activities could take place. Only 0.2% of pedestrian involved accidents took place in marked crosswalks. There were 17 pedestrian involved accidents 2016-2018.

He said that pedestrians should stand at the edge of the crosswalk for drivers to see that they are waiting to cross.

Mr. Weeks then introduced Rectangular Rapid Flash Beacons (RRFB), their success rates, and their cost. The town put in 8 of them last year. He showed their positions and also where a potential 6 others could be located if funding was found. Next he told of a new crossing opportunity to Holly Ridge Middle and Elementary at the location where the SRO is stationed. This is for use only during school starting and stopping times at this point, and no plans to stripe the pavement exist at this time. He then mentioned the use of pedestrian flags in some western cities, which might be a low-cost option to improve pedestrian safety.

Since 2013 the Town has produced videos and a web site on crosswalk safety. Mr. Weeks showed a video clip that has been viewed over 5000 times, of George Brown from the Finance Department demonstrating the proper use of an RRFB.

Mr. Weeks then showed the plan for enhancing awareness of crosswalk safety through a crosswalk safety campaign, webpage update, social media posts, and other methods.

Councilman O'Brien asked about infrared signs that light up automatically when a pedestrian arrives. Councilwoman Lee asked about crosswalk signs that are lit up all around, not just a light up bar. Councilwoman Kelly said that she appreciated the thoughtfulness that went into

the report, and suggested that Councilmembers take turns visiting crosswalks and demonstrating safety.

**Action:** Receive report.

**8a. Consent Agenda:** The Council approved a motion to approve all items on the Consent Agenda. The motion carried following a motion by Councilman O'Brien a second by Councilman Berry, and a unanimous vote. The following actions were affected:

8a. Minutes – The Council approved minutes of the Council meeting held May 21, 2019 and the workshop meeting held May 28, 2019.

8b. Close Jordan Lake Application Capital Project – The Council approved a motion to close Town Project Jordan Lake Application Capital Project (43-702) and to transfer unexpended revenue bond funds and revenue bond interest to Utility Debt Service Fund to be used as an additional payment due in August 2019. *Copies of the Budget Amendment and Resolution 19-20 are attached to these minutes.*

8c. 17-MAS-06 Dreamland Plan Extension Request – The Council approved a motion for a six-month extension for 17-MAS-06 Dreamland from May 7, 2019 to November 7, 2019.

8d. Fiscal Policy Guidelines Update – The Council approved a motion to rescind Fiscal Policy Guidelines FN-10 and replace it with Fiscal Policy Guidelines FN-11. *A copy of FN-11 is attached to these minutes.*

8e. Budget Amendment Impact Fee Settlement Payment – The Council approved a budget amendment to pay fees for impact fee settlement for \$26,000 in service awards and an initial payment of \$884,220. *A copy of the Budget Amendment is attached to these minutes.*

#### **9a. Public Hearing: 19-UDO-03 UDO Section 7.06 Parks and Recreation Fees**

Sean Ryan said that UDO Section 7.06 F. 5. b.: Lot Design and Public Place Reservation; Recreational Facilities and Open Space; Computation of Size of Area Required for Dedication, was last amended in November 2012 to add the requirement that the fee schedule would be adjusted in correlation with the inflation rate in the previous calendar year as reported by the United States Department of Commerce Consumer Price Index. However, the Town Council establishes the Parks and Recreation fee in the annual budget. He said that the proposed UDO text amendment will eliminate language that ties the Parks and Recreation fee in lieu to the Consumer Price Index. Since Park and Recreation fees are not set according to the Consumer Price Index, the text must be removed from the UDO.

Mr. Ryan said the Planning Board discussed the following issues and concerns on 5/28/2019:

The Planning Board did not have any concerns or comments on the proposed amendment.

The Planning Board recommended approval with a vote of 9-0-0.

He then said that there were a few tweaks made to the Ordinance after the Planning Board met to reflect state statutes.

With that explanation completed, Mayor Sears opened the public hearing. The following input was recorded: none

There being no testimony, the public hearing was closed.

**Action 1:** Motion to adopt Resolution 19-21, Statement of Compatibility for Unified Development Ordinance Amendment 19-UDO-03 to modify UDO Section 7.06 Lot Design and Public Place Reservation.

**Motion by:** Berry

**Second by:** O'Brien

**Vote:** unanimous

*A copy of Resolution 19-21 is attached to these minutes.*

**Action 2:** Motion to adopt UDO Text Amendment Ordinance 19-05 to approve modifications to UDO Section 7.06 Lot Design and Public Place Reservation.

**Motion by:** Kelly

**Second by:** O'Brien

**Vote:** unanimous

*A copy of Ordinance 19-05 is attached to these minutes.*

## 10. New Business:

### 10a. Fiscal Year 2019-2020 Budget Adoption

Randy Harrington, Town Manager, said that this budget begins to address the priorities outlined in Council's new Strategic Plan. In particular, the budget invests heavily in public safety, infrastructure, and our dedicated workforce that delivers high quality town services.

- Highlights of the Fiscal Year 2019-2020 budget include:
  - The Ad Valorem tax rate is 48.25 cents per \$100 valuation, an increase of 5 cents over the Fiscal Year 2018-19 budget and is dedicated for Transportation Bond debt payments.
  - Sales tax is projected to increase 4.5% - as recommended by the League of Municipalities.
  - The Utility Charges for Services rates are increased by 1.85% for usage.
  - The refuse collection fee increases by 19 cents per month and recycling increases 88 cents per month and reflects the cost of doing business.
- This budget also includes Employee Pay and Benefit increases including:
  - A COLA of 1.6% and a merit increase pool of 3.25%.
  - An increase in the employer contribution to optional medical plan tiers.
  - Up to six weeks of material and paternity paid leave.
- The total revenue and expense budgets for the Town's two primary operating funds area:
  - General Fund      \$38,252,906
  - Utility Fund      \$19,446,072

Mary Hogan, Finance, explained that an amount of *ad valorem* income will be applied directly to the debt service account, rather than going first into operating and then being moved to debt service.

Councilman Berry spoke about how difficult it is to be on the deciding end of making a tax increase, but the bond referendum passed 60% to 40%, showing that the residents wanted this increase. He then said that this budget is based on the strategic plan and that it is moving the town in the right direction. He applauded the management team and finance department for the work that went into this budget. Councilwoman Lee said that the budget will be online and is easy for residents to read

and understand. Councilwoman Kelly said that the messaging around the budget is great. She is also happy to be more data driven and have more checks and balances than in the past. Councilman O'Brien thanked the Town Manager and staff for how this complex document was simplified to be readable and understandable. Mayor Sears said it was the easiest budget to understand in his 18 years as mayor.

**Action:** Motion to adopt Ordinance 19-06 adopting the Fiscal Year 2019-2020 town budget.

**Motion by:** Berry

**Second by:** Lee

**Vote:** Unanimous.

*A copy of Ordinance 19-06 is attached to these minutes.*

#### **10b. Street Tree Maintenance Ordinance**

Matt Beard, Planning and Zoning, said that staff were directed by Town Council to revise the existing Town Policy (P-39) to document the increased Town street tree maintenance that began in Fiscal Year 2018-2019 with the addition of two additional street crew members in Public Works. The Tree Advisory Committee was created and began meeting in January 2019. The proposed Ordinance was discussed at the Tree Advisory Committee meetings in February and March prior to Town Council review, and concepts were brought before the Town Council at the 4/2/2019 meeting for discussion then draft ordinance was revised and presented to the Tree Advisory Committee in April and May.

Mr. Beard said that Current Town Policy Statement #P-39 Street Tree Maintenance (Adopted September 2012):

- Places responsibility for all maintenance and replacement of street trees completely on the adjacent Homeowner.
- Limited tree removal abilities for clearing of right-of-way and sidewalks when a tree has died or falls.
- Town will not remove any tree over 10" caliper even if dead or safety issue.
- Not an adopted Ordinance, policy only – limits Town Staff's ability to enforce

Proposed Town Code Amendment: Street Tree Maintenance Ordinance

- Specifies that the Town is responsible for the now on-going pruning and trimming of street trees including clearing for public safety (intersections/traffic control signage) and ensuring public street light fixtures are not blocked to provide proper lighting of public sidewalks and streets.
- Clearly delineates when the Town is responsible for trimming or removal of street trees in the public right-of-way.
- Adjacent homeowners are strongly encouraged to complete the clearing of street trees from public streets and sidewalks to allow for clear and safe passage.
- Adjacent homeowners are strongly encouraged to complete all maintenance work of street trees along private roads and from private light fixtures.
- Adjacent homeowners are strongly encouraged to maintain and trim street trees for aesthetic purposes.
- Provides for an exemption of yard waste collection fees for oversized pickup when the Town is notified of a planned homeowner-completed street tree removal or maintenance activity.
- As an adopted ordinance, the Town can conduct enforcement actions, issue violation notices, and impose fines if necessary.

Revisions Following 4/2/2019 Town Council Meeting

- Added language to have Homeowners Associations responsible for street trees within neighborhoods and that they are responsible to ensure that maintenance of Street Trees is completed in accordance with the strictest requirements for maintenance as specified in HOA covenants.
- Discourages individual treatment of diseased trees in favor of group treatment *en masse*, for areas with observed Street Tree diseases.
- Replaces the flat fee \$750 fine with a violation penalty that the Town may issue civil penalties, fines, and injunctions against any party found to be guilty of a violation and that the fine shall be commensurate with the Town's cost to remedy the violation.

Mr. Beard then clarified the responsibilities of the Town, the HOAs, and the Adjacent Land Owners. He said that this Ordinance leaves the door open for the Town to perform maintenance, but it encourages proper maintenance by land owners and HOAs.

Mr. Beard gave the background of the activity of the Tree Advisory Committee on this issue and stated that the Town is not prepared at this time to take care of the large number of street trees in town, but there is room in the ordinance for increased activity in the future.

Mr. Beard said that on May 13, 2019, the Tree Advisory Committee voted 5-0-0 in favor of the proposed ordinance as written and is in agreement with the recent modifications to the draft Ordinance.

There was discussion regarding the definition of "severe trimming" and the text of the Ordinance was read to clarify that taking limbs from the *crown* of a tree was made illegal.

Councilwoman Kelly said that she appreciated the hard work of this group. Councilman O'Brien asked for clarification of which trees are covered under the ordinance, and Mr. Beard explained that trees within 5 feet of the right-of-way are included because some neighborhoods planted their street trees behind the sidewalk instead of between the sidewalk and the street.

**Action:** Motion to rescind Town Policy P-39 Street Tree Maintenance and Enforcement, and replace it by adopting Ordinance 19-04 to amend Chapter 14: Public Works, Article IV. Streets, Sidewalks, and Other Public Places to add: Division 6 Street Tree Maintenance.

**Motion by:** O'Brien

**Second by:** Kelly

**Vote:** Unanimous.

*A copy of Ordinance 19-04 is attached to these minutes.*

## 11. Other Business

Mayor Sears said that the Salamanders look good this year, winning their first game away and their first game at home. He recommended that all go out and enjoy the games.

Councilwoman Kelly thanked Mr. Wolff for commenting on the Wear Orange campaign. She also wanted to point out that June is Pride month and she wants to support that. She also thanked staff for increased communication.

Councilman O'Brien gave a "big shout out" to the Holly Springs Chamber of Commerce. They hosted the College World Series club championship. He gave his congratulations to University of Illinois. He said that feedback was that our facility was top notch. It was a great experience for kids, and good for Holly Springs.

Councilwoman Lee said that Holly Springs High School graduation is June 11<sup>th</sup> and other schools' graduations are coming around. She asked people to be aware of excited teenagers who are out and about. She said that at Holly Ridge school there is a huge dead tree. She asked if that was the Town's or Wake County's responsibility. Randy Harrington said that staff will follow up on it.

Councilwoman Lee said thank you to Luncie McNeil and his staff for their quick response to a resident with a sidewalk that was buckling, preventing him from using his wheelchair. Public Works employees came out right away and fixed it. She said if residents have a problem with their sidewalks, please notify the Town and it will get fixed as quickly as possible.

Councilwoman Lee asked if there was a meeting on Thursday about the Landfill. Randy Harrington said he thought there was one in June but he didn't know the exact date. He will look into it and notify Council.

Councilman Berry gave his thanks to LeeAnn Plumer and Melissa Sigmund who met on Thursday night with four Holly Springs High School AP Environmental Science students who are doing a project. He said the students will come to Council this summer to present their project.

**12. Manager's Report:**

Randy Harrington, Town Manager, clarified that although the Mayor read the motion to approve the Budget Ordinance, the intention was that Council Berry actually made the motion.

He then expressed much gratitude to the staff for all the hard work on the budget, particularly Mary Hogan and Corey Petersohn, and all department heads.

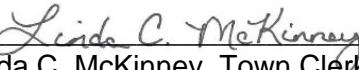
Finally, he reminded the public that the June 11<sup>th</sup> workshop was rescheduled to June 19<sup>th</sup> because of the high school graduations.

**13. Closed Session:** At 8:21pm Councilman Berry made a motion to go in to closed session to discuss a potential litigation matter with Landeavor/12 Oaks and to preserve the attorney-client privilege pursuant to NCGS 143-318.11(a)(3). The motion was seconded by Councilman Lee and the vote was unanimous.

Councilman O'Brien made a motion at 9:19 pm to leave closed session. It was seconded by Councilman Berry and the vote was unanimous.

**14. Adjournment:** Councilwoman Lee made a motion to adjourn at 9:20 pm. It was seconded by Councilman Berry and passed unanimously.

Respectfully Submitted on Tuesday, June 18, 2019.

  
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Linda C. McKinney, Town Clerk

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