



July 16, 2019

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, July 16, 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.

Staff Members Present: Randy Harrington, *Town Manager*; Daniel Weeks, *Assistant Town Manager*; Scott Chase, *Assistant Town Manager*; John Schifano, *Town Attorney*; Linda McKinney, *Town Clerk* (recording the minutes); Latisha Butler, *Deputy Town Clerk*; Gina Clapp, *Director of Planning and Zoning*; Sean Ryan, *Planning*; Rachel Jones, *Engineering*; Aaron Levitt, *Engineering*; Jeff Wilson, *IT Director*; LeeAnn Plumer, *Parks and Recreation Director*; Tamara Ward, *Interim Director, Communications and Marketing*; Irena Krstanovic, *Director of Economic Development*; Mary Hogan, *Director of Finance*; Paul Allen, *Assistant Town Attorney*; Kendra Parrish, *Director Engineering*; and Luncie McNeil, *Director, Public Works*.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Jack Garrell, Pastor of Creative Arts at the Oasis Church.

4. Agenda Adjustment: The July 16, 2019 meeting agenda was adopted with changes, if any, as listed: Remove 9h, Mills at Avent Ferry Development Agreement Amendment, for further discussion.

Motion by: O'Brien

Second by: Berry

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:

Barbara Scott, 215 W. Earp Street, Holly Springs spoke about a bedbug issue and other problems with the state of the apartments and common areas at her address, and the lack of cooperation from the property management company in dealing with repairs and maintenance in their senior living residence. She said that Community Management Corporation, which manages the property, has not been communicative or cooperative in resolving these issues, including non-functioning elevators and bedbugs, even after many visits from the Town Code Enforcement department.

Davis Teitelbaum, 408 Acord Falls Court, Holly Springs, showed a short video about life with disabilities which he created for a school project.

6a. Recognition: Wanda Holloway

Councilwoman Lee said that she has worked with Wanda Holloway for many years. She said that Ms. Holloway has brought a diverse perspective to the committee. She was appointed to the Parks and Recreation Advisory Committee in January 2006. As a member of the Committee she has been involved with endless parks and recreation policy updates and participated in the effort to support and pass the 2011 Parks and Recreation bond which included the construction of the Womble turf field, concession stand, tennis courts and playground; the Jones Park playground and disc golf court improvements; Ting Soccer and Tennis Complexes; the Carl Dean Greenway; and the acquisition of Sugg Farm Park. She was a supportive volunteer of the 2009-2011 renovations to the Hunt Recreation Center. Ms. Holloway has been to all the parks and recreation facilities, participating in numerous facility tours to provide insight and ideas for future improvements. She was an active member of the original production of *Finding Patience* in which she graced the audience with her amazing singing voice. Ms. Holloway provided input on improvements for Art after Dark, summer camps, football, baseball, and more. She served hot chocolate at numerous Main Street Christmas events. Because of the efforts of Ms. Holloway and volunteers like her, Holly Springs is a better place today.

Councilwoman Lee presented Ms. Holloway with a plaque as a token of the Town's appreciation.

Action: None.

7a. Requests and Communications: Southwest Area Study

Kendra Parrish, Director of Engineering said the Southwest Area Study Update is a cooperative update between the Capital Area Metropolitan Planning Organization (CAMPO) and the North Carolina Department of Transportation (NCDOT) to the original study to address changes in land use and transportation since 2012 and to inform the 2050 Metropolitan Transportation Plan. It is intended to be a resource for partnering agencies and CAMPO to help guide construction of transportation infrastructure and planning of publicly funded improvements, as well as private sector, developer-funded improvements to the surrounding transportation facilities. Recommended transportation projects and improvements are presented in this study report and the various projects will be prioritized in the next update of the metropolitan transportation plan (MTP). She recognized the Holly Springs members of the Study Oversight Team: Mayor Sears, Councilwoman Lee, Shawn McGrath of the Planning Board, Christine Quante of the Chamber of Commerce, and residents Ed Neering, Glenn Myrto, and Olivier Ngueda. She then introduced Roger Henderson of Ramey Kemp, who gave a presentation on the Southwest Area Study update.

Mr. Henderson stressed that this was a multi-modal update, not cars only. He presented the recommendations for road improvements, including specific hot spots in the study area, one of which is the two current intersections of Piney Grove Wilbon and Honeycutt Road, and Piney Grove Wilbon and Wade Nash Road. He then talked about ways to make the routes to schools safer for area students, potential relocation of the CSX Apex Rail Yard, and public transportation service expansion. He thanked the Mayor and Councilmembers who have participated in the study.

Council discussed the need for a public transportation link to the Wake Tech campus, the timelines for projects identified by the study, and the past track record of recommendations becoming actual projects in the past.

Action: None.

8a. Public Hearing: 19-SEU-04 Pine Springs Academy Mobile Classroom – Sean Ryan, Planning, said that Pine Springs Preparatory Academy is proposing to install an approximately 6,900 square foot mobile classroom unit which will contain six classrooms in addition to bathroom facilities. The modular unit would be at the back of the property, to the west of the current building. A Development Plan for Pine Springs Preparatory Academy Middle School was submitted for

review on June 19, 2019 and is anticipated to be reviewed by the Town Council in November or December 2019. Development Plan 16-DP-14 for Pine Springs Preparatory Academy was approved on January 17, 2017. Parcel was zoned R-MF-15: High Density Multifamily Residential Conditional Use on June 21, 2016 with the following developer offered conditions:

1. There shall be no permitted primary uses.
2. The following uses shall be permitted by Special Exception Use:
 - a. Educational Use: Kindergarten; child care ministry; Public library; School – public or private
 - b. Government Use: Fire Station; Police Station; Post Office – without outdoor parking of delivery vehicles
 - c. Residential Use: Assisted living facility

Mr. Ryan said that there would be no significant changes to the utilities, and no significant trip generation if the special exception use is granted.

Planning Board Recommendation:

Shaun McGrath of the Planning Board was unable to be present. Mr. Ryan said that they discussed the following issues and concerns on 06/25/2019:

- If the mobile classroom would be visible from the bypass. There is a 100 foot wide type C-225 opaque buffer along the bypass.
- If additional landscaping or buffering is required. Foundation landscaping and a few evergreen trees, to screen the mobile unit from the school's entry drive, have been provided.
- If a new school will be ready before the expiration of the permit.

Planning Board Recommendation:

The Planning Board recommended approval (8-0-1)

Mr. Ryan said that staff has reviewed the requested Special Exception Use petition and has found that it complies with the minimum requirements as specified in Town adopted land development policies and ordinances.

With that explanation completed, Mayor Sears opened the public hearing. The following sworn testimony and evidence were submitted by those who had been administered the oath by the town clerk:

Petitioner, Kristen Stocking of 136 Kingsport Road, Holly Springs, introduced herself as a member of the Board of Directors of Pines Springs Preparatory Academy and said that Pine Springs has a projected enrollment of 770 students next school year, but the current building is at capacity at 609 students. She said that adding on to the building would be too expensive for what it would accomplish. She said that a temporary modular building on the site for two years will allow them to bridge the time required to build a new 68,000 square foot facility that can serve their students and the community for years to come. The school has a 23-acre site at 1729 N. Main Street under contract and intends to build a new middle school there, which will ensure that the modular classrooms will no longer be needed.

Council asked about the size of the modular classroom building and Ms. Stocking said it would be 6,600 square feet. There was discussion about what would happen to the modular after the new school if the new school building is delayed. Ms. Stocking said that the modular in question would be "Plan D." Before they would ask for it to stay longer, they would look at using temporaries on the new land, or some sort of phasing of the new building so that some students could move to that campus and some stay at the current building.

Ms. Stocking then showed the draft elevations of the new building that they are planning.

Mayor Sears closed the quasi-judicial public hearing.

Councilwoman Kelly asked about the traffic impact and Rachel Jones said that a traffic memo indicated that the modular unit would generate 88 new trips, which did not trigger a Traffic Impact Analysis. Andy Petty, of Currier Engineering said that Ramey Kemp did the trip generation memo because they did the plan for the school. He explained that the formula used for trip generation with a school uses different formulae than that for a commercial development. He said that the original TIA included more students than the school has now, so the additional 150 students in the modulars do not represent an additional 150 students for the TIA. When a TIA is triggered by the building of the new school building, those 88 trips will be included in those calculations and any road improvements required would be included in the development plan for the new building.

Councilman Berry asked if the public schools were still operating under temporary permits for their modulars. Mr. Ryan said that the Wake County Board of Education gets the SEU for modulars when they build schools to plan for expansion. He said the Town has not found any instance where Wake County Board of Education is not in compliance.

Action: Motion to make and accept the Findings of Fact and to approve Special Exception Use #19-SEU-04 for with the conditions stated below.

Conditions:

1. All operations must adhere to the evidence submitted by the applicant as stated in the findings of fact submitted and those findings of fact specified by the Town Council in conjunction with 19-SEU-04.
2. The applicant shall make progress towards accomplishing the goals of development indicated the conceptual site plan submitted with this Special Exception Use request (PSPA Middle School Expansion Preliminary Plan, dated received 04/26/2019). This Special Exception Use shall expire, and the temporary structure shall be removed, on January 1, 2021. The Town Council may grant an extension of up to one (1) year.
3. All previous approval conditions for Pine Springs Preparatory Academy Development Plan will apply to this plan as well.

Motion by: O'Brien

Second by: Lee

Vote: unanimous

9. Consent Agenda:

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

9a. Minutes – The Council approved minutes of the Council business meeting held June 18, 2019, and the workshop meetings held on June 19, 2019 and July 9, 2019.

9b. Budget Amendment Report – The Council received a report of monthly administrative budget amendments approved by the Town Manager. *A copy of the budget amendment report is attached to these minutes.*

9c. Duke Easement for Sugg Farm Picnic Shelter – The Council approved an easement for Duke Power to run electricity to the Sugg Farm Picnic Shelter.

9d. Electronic Payment Resolution – The Council approved Resolution 19-25 authorizing processing of electronic payments. *A copy of Resolution 19-25 is attached to these minutes.*

9e. Budget Amendment for Fire Department Vehicle – The Council approved a budget amendment to use \$39,358 from FY2018-19 funds to purchase a fire department pick-up truck. *A copy of the budget amendment is attached to these minutes.*

9f. Office Furniture Procurement – The Council approved a furniture proposal from Alfred Williams Company in the amount of \$30,816.41 to replace deteriorating seating and workspace furniture in Town Hall.

9g. Municipal Agreement for Traffic Signal Maintenance – The Council approved a two-year municipal agreement with the Town of Cary to maintain the Ballentine Signal, authorizing \$36,782 in FY2019-20 and \$7,872 in FY2020-21.

10. New Business:

10a. Appointment of Parks and Recreation Advisory Committee Members

Three three-year positions on the Parks and Recreation Advisory Committee became vacant on June 30, 2019. The vacancies were advertised in accordance with the Board Appointment Policy Statement and eleven applications were received. Council reviewed the applications and voted by ballot. Deputy Town Clerk Latisha Butler tabulated the ballots and the applicants received the following number of votes:

Kristen Aldianto	0
Val Atkinson	2 (Lee, Berry)
Stu Barnes	0
Jason Guetgemann	3 (Berry, Villadsen, Kelly)
Jeremy "Jamie" Legg	1 (Kelly)
Dean Ness	0
Thomas Rushing	2 (Lee, O'Brien)
Molly Sapienza	3 (Berry, O'Brien, Villadsen)
Susan Smith	3 (O'Brien, Villadsen, Kelly)
Philip Todaro	1 (Lee)
Annamaria "Ginna" Vesely	0

Action 1: Motion to appoint Susan Smith, Molly Sapienza, and Jason Guetgemann to the Holly Springs Parks and Recreation Advisory Committee for three year terms from July 1, 2019 to June 30, 2019.

A copy of the ballots cast are attached to these minutes.

Motion by: Lee

Second by: O'Brien

Vote: Unanimous.

10b. Major Amendment to Development Options Plan 18-DO-01, Steeplechase

Sean Ryan, Planning and Zoning said that during a storm one of the two preserved white oak trees on the Steeplechase property fell. Staff was notified of this event on April 8, 2019. A report from a registered forester, received on April 24, 2019, indicated that the tree's fall was not caused by development activity. Because the tree is no longer present on the site, the reforestation area must be adjusted to account for additional reforestation. The maximum reforestation allowed for this project was 18.3 percent of land area. The applicant proposes modifying this waiver to allow up to 19.2 percent for reforestation.

Planning Board Recommendation:

Shaun McGrath, Planning Board, said the Planning Board discussed the following issues and concerns on 06/25/2019:

- What triggered the need to amend the plans. Staff reviewed the tree preservation ordinance with the Board and indicated that since the project is not yet under construction the ordinance does not have a way to allow the removal of the tree without a plan amendment.
- If any other projects currently under construction may be in the same situation with a fallen tree.

Planning Board Recommendation:

The Planning Board recommended approval for Waiver 19-WAV-26 and Development Option Plan Amendment 18-DO-01-A01 (8-0-1)

Council asked Mr. Ryan if the tree would be replaced with a hardwood and were told that they will follow the same standards – no more than 25% of any one species, with a mix of hardwoods and evergreens.

Action 1: Motion to make and accept the Findings of Fact for consideration of and to approve Unified Development Ordinance Waiver 19-WAV-26.

Motion by: Kelly

Second by: Villadsen

Vote: Unanimous.

Action 2: Motion to approve Major Amendment #18-DO-01-A01 for Steeplechase with the conditions stated below.

Conditions:

1. All previous conditions of approval for Steeplechase shall apply to this amendment.

Motion by: Villadsen

Second by: Lee

Vote: Unanimous.

10c. Mills at Avent Ferry Development Agreement Amendment 4 This item was removed from the Consent Agenda for further discussion.

Councilwoman Kelly asked why this amendment did not go back to the Planning Board. John Schifano, town attorney, said it was a relatively minor amendment to the Development Agreement. He explained that typically these items are not brought back to the Planning Board, because it is outside the normal development process, but Council could choose to send it back. Typically the Town does not have the right to dictate the look on residential construction, but the developer agreed to these restrictions because he wanted the smaller lot size. He explained that, in order to preserve the Needham-Norris House, the Town agreed that the developer could come back at a later time and ask for an amendment, but the Town did not guarantee that they would approve everything the developer asked for.

There was discussion on whether this would create a precedent. Mr. Schifano said that the agreement was made in order to preserve the historic house, so that, unless there were more historic houses to be preserved, this would not set a precedent.

Action: Motion to approve the 4th amendment to Mills at Avent Ferry Development Agreement, subject to editorial revisions by the town attorney.

Motion by: Villadsen

Second by: Berry

Vote: unanimous

11. Other Business – None that required action.

12. Manager's Report:

Randy Harrington, Town Manager announced that there would be an open house on July 17, 2019 from 5:00 pm to 7:00 pm at Fire Station Number 2 to discuss the Odor Control Project at Utley Creek Wastewater Treatment Plant.

He also announced the Village District What's Happening Downtown open house on Tuesday July 30, from 5:30 pm to 7:30 pm at the Cultural Center.

13. Closed Session:

At 8:49 pm Councilman Berry made a motion to go into closed session to discuss negotiating a potential land purchase for a public works facility, pursuant to NCGS 143-318.11(a)(5) and to discuss a procedure relative to the yearly evaluation of the Town Manager, pursuant to NCGS 143-318.11(a)(6). The motion was seconded by Councilman Villadsen and passed with a unanimous vote.

Councilwoman Berry made a motion to return to open session. It was seconded by Councilwoman Lee and the vote was unanimous.

14. Adjournment: Councilman Berry made a motion to adjourn at 9:40 pm. It was seconded by Councilwoman Lee, and passed unanimously.

Respectfully Submitted on Tuesday, August 6, 2019.



Linda C. McKinney, Town Clerk

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