



August 20, 2019

## MINUTES

The Holly Springs Town Council met in regular session on Tuesday, August 20, 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:** Peter Villadsen.

**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*; Melissa Sigmund, *Planning and Zoning*; Mathew Mutter, *IT*; LeeAnn Plumer, *Parks and Recreation Director*; Chris Champion, *Parks and Recreation*; Tamara Ward, *Interim Director, Communications and Marketing*; Mark Andrews, *Communications and Marketing*; Irena Krstanovic, *Director of Economic Development*; Mary Hogan, *Director of Finance*; Kendra Parrish, *Director Engineering*; Rachel Jones, *Engineering*; Mary DePina, *Engineering*; Tim Athy, *Engineering*; Dirk Siebenbrodt, *Engineering*; Wayne Wilhelm, *Public Works*; and Leroy Smith, *Fire Chief*.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Mark Savoldy Public Affairs Representative of The Church of Jesus Christ of Latter Day Saints, Raleigh Stake.

**4. Agenda Adjustment:** The August 20, 2019 meeting agenda was adopted with changes, if any, as listed: add Norris-Holland-Hare House Bid as Unfinished Business.

**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:

Garrett Razcek, 101 Cicada Place, Holly Springs, spoke about the Southwest Wake Landfill, and clean air in Holly Springs.

### **6a. Recognition: 10U All-Star Baseball Team**

Chris Champion, Parks and Recreation, said that the Statewide Athletics Committee (SWAC) is a branch of the North Carolina Recreation and Parks Association. SWAC is designed to promote interest and participation in recreational athletics and conducts team tournaments at the sectional and state levels in various sports. He introduced the 10U All-Star Baseball Team, who successfully competed against all-star teams from across the state. They won first place in the Siler City sectional tournament and advanced to the state tournament in Moore County, where they won the state championship.

Coach Sousa spoke about the team and how well they worked together to achieve this accomplishment. He recognized the Parks and Recreation staff, and the coaches. He then presented the team members with certificates of excellence for their contribution to the team.

**Action:** None.

#### **6b. Welcome New Residents, Roy and Chelo Quiroga**

Mayor Sears introduced Alberto Quiroga, who was a long-time, well respected intern with the Town of Holly Springs, working in several departments over many years while he was in high school and college. Mr. Quiroga said that after 17 years he has been able to bring his parents, Roy and Chelo Quiroga, to the United States from Mexico. They now reside in Holly Springs. Mayor Sears extended a warm welcome to the Quirogas.

#### **7a. Requests and Communications: NC National Guard**

General Greg Lusk is the head of the National Guard in North Carolina. He spoke of the history of the National Guard going back to the colonial militias. He then spoke about the important work the Guard does in its dual role of supporting Federal troops and doing work in the state. The NC National Guard has responded to natural disasters by assisting in rescue and rebuilding operations. They also participate in community events, historic celebrations, outreach programs, and are an important part of our state and community.

General Lusk then showed a short video on the NC National Guard. He presented the Town of Holly Springs with a plaque for supporting the National Guard.

Randy Harrington, Town manager, mentioned that Brittany Cushing, a Holly Springs Firefighter, is currently deployed with the NC National Guard.

**Action:** None.

#### **8a. Public Hearing: UDO Self Storage Text Amendment**

Melissa Sigmund, Planning and Zoning, explained that the proposed UDO Text Amendment removes self-storage (mini-) warehouse uses from the BT Business and Technology District and instead permits them in the IT Industry and Technology District by special exception use with additional development standards for minimum building height, minimum facility separation, limits on outdoor storage, and increased appearance standards. She said that this amendment is the result of about a year and a half of study, and investigation of practices in other municipalities. The purpose of the UDO Text Amendment is to address concerns shared by the Economic Development Department regarding the use of land in the business park. This modification may be a temporary measure, as the Town will begin writing a new UDO in 2020 after the adoption of the new Land Use & Character Plan. At that time, the self-storage (mini-) warehouse use can be re-evaluated in the context of the Land Use & Character Plan and the new UDO.

##### Planning Board Recommendation:

Dana Rybak of the Planning Board said that they discussed the following issues and concerns on 07/23/2019:

- Whether the use should be a permitted primary use in the IT district rather than requiring a special exception use given the additional development standards that have been proposed. After an explanation from staff regarding the differences between a permitted primary use and special exception use, which requires a public hearing, the board determined that a special exception use was appropriate.
- The board agreed that moving the use to the IT district, and removing them from the business park, would help to keep the Town's most valuable industrial areas available to create new jobs.

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

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

There being no input the public hearing was closed.

**Action:** Motion to adopt Ordinance 19-07 to adopt a statement of compatibility and approve UDO Text Amendment 19-UDO-02 for Self-storage (Mini-) Warehouse uses.

**Motion by:** Kelly

**Second by:** Lee

**Vote:** Unanimous.

#### **8b. Public Hearing: Rezoning 5321 Sunset Lake Road**

Melissa Sigmund, Planning and Zoning, said that the Town received a request to rezone the parcel at 5321 Sunset Lake Road from R-10 to LB CU (Local Business Conditional Use). All immediately adjacent properties are currently zoned LB. She said the requested zoning is consistent with the Mixed Use and Office/Commercial land use designations of the property within the Vision Holly Springs Comprehensive Plan. The requested rezoning would allow future development of the parcel for commercial uses consistent with the immediately adjacent Sunset Lake Commons shopping center. There is no development plan proposed at this time. Councilwoman Kelly asked about when easements would be acquired. Rachel Jones, Engineering, said that there is no way to know what will be needed until a development plan is presented. But Condition No. 2, which the petitioner has agreed to, speaks to the necessity of having a TIA in the future.

#### **Planning Board Recommendation:**

Dana Rybak of the Planning Board said they discussed the following issues and concerns on 7/23/2019:

- None

The conditions offered by the applicant that were brought before Planning Board have been slightly modified, specifically, the condition that speaks to the Traffic Impact Analysis (TIA) requirements. The rezoning of this property alone did not trigger a TIA; however, it is still a potential requirement with development, particularly if this property is combined with others for a larger scale project.

Planning Board Recommendation:  
The Planning Board unanimously recommended approval (8-0-1)

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

Nil Ghosh of Morningstar Law Group, 421 Fayetteville Street, Raleigh said that this is an opportunity for the owners of the Sunset Lake Shopping Center to acquire some additional property. They have offered the conditions with the idea of “future-proofing” the property for development.

There being no further input the public hearing was closed.

**Action 1:** Motion to accept the following as being true: The requested zone map change from R-10: Residential to LB: Local Business Conditional Use is consistent with the Vision Holly Springs Comprehensive Plan since the Future Land Use Plan Map indicates this property as Mixed

Use and the Northeast Gateway overlay indicates the property as Office/Commercial and the LB: Local Business district will support uses and development patterns consistent with these designations. In addition, the proposed zoning will allow for continuity and integration with existing adjacent development.

**Motion by:** O'Brien

**Second by:** Lee

**Vote:** Unanimous.

**Action 2:** Motion to adopt Rezoning Ordinance 19-02 to change the zoning of 1.1 acres from R-10: Residential to LB CU: Local Business Conditional Use, with conditions offered by the applicant as listed below.

**Motion by:** Lee

**Second by:** Berry

**Vote:** Unanimous.

**Conditions:**

1. The Town requires certain fees to be paid upon development of land and for the granting of a building permit. Said fees are listed in the Town's annual budget, and with this rezoning the Developer agrees he/she (i) is familiar with these fees, (ii) does not dispute the reasonableness of these fees as set forth in the Town's annual budget; and (iii) notwithstanding any reimbursements discussed at this time through an Infrastructure Reimbursement Agreement, hereby agrees to timely pay all normal and customary fees applicable to Developer in connection with the Non-residential Project. Such fees are listed in the current year annual budget of fees at the time the fee is due under the ordinary course of development.
2. To create conditions essential to public health, safety, and the general welfare, the Town requires, pursuant to N.C.G.S. § 160A-372, the dedication and construction of streets and rights of way, as shown in the approved Comprehensive Transportation Plan and an approved Transportation Impact Analysis (TIA) if a TIA is required for the development of the subject site.

**9. 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 Councilwoman Kelly, and a unanimous vote. The following actions were affected:

9a. Minutes – The Council approved minutes of the Council business meeting held August 6, 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. HollyFest Rides and Parking Contract – The Council approved a contract with Eastern Entertainment to provide rides, attractions, and parking services at HollyFest.

9d. Sports Graphics Contract – The Council approved a contract with Sports Graphics to replace the stadium padding at Ting Stadium.

**10. Unfinished Business:**

**Norris-Holland-Hare House Bid**

Town Attorney John Schifano said that a bid was received for the purchase of the Norris-Holland-Hare House from Corey and Nicole Reed, local residents who wish to use it as a family home. The bid was for \$25,000. It is understood that the buyer would have to enter an agreement with Capital Area Preservation (CAP) to preserve the historic character of the house. If Council

accepts this bid, the next step is to advertise a 10 day upset bid period. If no bid that is at least 10% higher than this bid is accepted, then Mr. and Mrs. Reed would be the winning bidders.

Councilwoman Lee asked what happens if the buyer gets into the renovation and cannot complete it, or takes too long. Mr. Schifano and Gina Clapp, Director of Planning and Zoning explained the nature of the agreements that CAP creates with the buyers and the Town to preserve historic houses. These agreements usually involve timelines and benchmarks rather than specific deadlines. There were further questions about the possibility of the original buyer reselling the house. Mr. Schifano explained that there will be a deed covenant attached to the property to prohibit any new owner from violating the agreement.

Nicole Reed of Summerset Farms said they have done their homework on the house. They want to restore it. It has not been kept up and is not livable as it is. They want to restore it, and make it beautiful again. They want to put in antique appliances and light fixtures. Councilmembers asked questions about the Reed's experience in renovating houses and their plans for this house. Mrs. Reed said that they do have experience in this type of work. They intend to live in the house after they restore it. She said they realize the bid is low, but it is going to take a lot of money to fix it up.

Councilman Berry asked if it was correct that the sale is not complete until the agreement with CAP is executed, and Mr. Schifano said that was the case.

Mrs. Reed assured Council that they understand the historic significance of this home, and would be willing to have tours, and allow historians to see it.

Councilman O'Brien asked if they had talked to CAP. Mr. Reed said he had left them two messages but they haven't returned his call yet.

There was further discussion about whether or not this decision could be tabled to allow the Reeds time to discuss their plans with CAP.

**Action:** Motion to table the decision until Tuesday, August 27<sup>th</sup>.

**Motion by:** O'Brien

**Second by:** Lee

**Vote:** Unanimous.

## **11. NEW BUSINESS**

### **11a. Cross Connections Ordinance Update**

Paul Allen, Assistant Town Attorney explained the purpose of the amendment and why the ordinance change was needed. Wayne Wilhelm, Public Works, explained difference between Double Check valves (DC) and Reduced Pressure Zone valves (RPZ) as part of a backflow device. explained why RPZ was better than DC.

Mr. Allen said that the proposed ordinance reflects current practice and other Town requirements. Double check valves (DC) are no longer allowed by town standards and Reduced Pressure Zone (RPZ) assemblies are required. These DC devices are not currently permitted on residential irrigation or commercial domestic lines, and this ordinance change would prohibit DC on fire suppression systems as well.

Existing structures shall be exempt from this section until such time any structure is sold, remodeled or improvements to the property exceeding the sum of \$2,500.00 are made, or a new occupancy permit is otherwise required for the property.

The Cross Connections Ordinance provides protection to the potable water supply of the Town and maintains a system by which the components involved in the flow of potable water may be approved, checked, and enforced. This ordinance updates the provisions of the Cross Connections Ordinance to prohibit the use of unsafe components, updates the systematic check and approval of certain components involved in the flow of potable water (backflow devices), and generally updates, and in some cases removes, some of the definitions and language contained in the ordinance. It also removes references to the NCDENR and replaced them with the current

responsible agency, the NCDEQ. Additionally, amending this ordinance will provide consistency with the Engineering Design and Construction Standards as it pertains to fire line backflow preventers.

Questions were asked regarding how many residents might be affected. Mr. Wilhelm and Mr. Schifano said most residents with irrigation systems have already installed the RPZ and the Town works with any residents that need to make the change. Fire suppression systems, which are the largest area affected, are in commercial, not residential buildings.

**Action:** Motion to approve Ordinance 19-08 approving amendments to the Cross Connections Ordinance under Chapter 16 Article II Division 4.

**Motion by:** Berry

**Second by:** Lee

**Vote:** Unanimous.

#### **11b. Sunset Lake Road Sidewalk Phase 2**

Mary DePina, Engineering, said this project will provide a desirable sidewalk connection between the Westscott subdivision and Optimist Farm Road. This project is wanted by residents and was recommended in the Comprehensive Transportation Plan. As part of the project, the existing signal will be upgraded to include pedestrian signals and crosswalks across Optimist Farm Road. Design and permitting were completed by Town Engineering staff.

She said the Public Works Department will construct the second phase of the Sunset Lake Sidewalk. It is estimated that performing this work with Holly Springs' staff will save the Town a third to one half of the cost of contracting with a construction company. T & H Electrical has submitted a proposal to perform the signal upgrade at the intersection of Sunset Lake Road at Optimist Farm Road. Mauldin Watkins has submitted a contract to perform survey work.

There were questions about acquiring needed right of ways. Ms. DePina said the Town has the right of ways and will only need some temporary easements to allow the construction workers to get behind the sidewalk to work. Questions were asked about materials (the sidewalk will be concrete, not asphalt) and the timeline.

**Action:** Motion to approve the following four actions:

- A. approve a budget amendment to transfer \$84,628.00 from Street Reserves to Project Account 48-609-91.04.
- B. approve the project budget of \$84,628.00.
- C. award the signal upgrade contract to T&H Electrical;
- D. award the construction survey contract to Mauldin-Watkins;

**Motion by:** Lee

**Second by:** O'Brien

**Vote:** Unanimous.

#### **11c. NC 55 Bypass Right Turn Lane Design**

Tim Athy, Engineering, said this project is identified as a "green" project as part of the approved Transportation Bond. The project will include adding a new right turn lane southbound from Avent Ferry Road to South Main Street, improving traffic flow onto South Main Street. The purpose of this item is to introduce the Engineering Consultant for the project, Summit Design and Engineering Services.

He said a public engagement meeting was held July 16 at Holly Springs Town Hall. A consultant selection process was held and Summit was the most qualified firm selected. He introduced Eric Keravuori and Brandon Johnson from Summit. The scope includes: survey, design, right of way plats, meeting coordination, environmental documents, geotechnical, NCDOT

coordination, preparation of bid documents. The anticipated schedule for design services to advertise for bids is 8 months. Design work could begin in the fall of 2019, with right of way acquisition in spring of 2020. Construction is anticipated to start in 2020, with completion set for Spring of 2021.

Next Steps include staff returning to Town Council once right of way needs are established. Staff will be seeking funding for appraisals and subsequent easement or right of way acquisition. A construction bid award will also come back before Town Council.

Councilwoman Kelly asked for a reminder on the benefits of this project to the town. Kendra Parrish, Director of Engineering said that during the bond campaign staff ran models. This right turn lane cut the commute time in half for this section of NC 55. The Bypass will eventually be three lanes in each direction and this begins that process. It allows the residents of Holly Springs who travel Southbound in the afternoon and turn off at Avent Ferry or Main Street to arrive home sooner. Councilwoman Lee asked if this will happen at the same time as the Avent Ferry widening. Ms. Parrish said there might be some overlap on these projects. Councilman Berry asked about the design of the lanes. Ms. Parrish said that this is a contract for design, and the design typically comes back to Council when it is in progress.

**Action 1:** Motion to Approve Design Budget for the NC 55 Bypass Right Turn Lane Green Bond project and move \$220,000 from prior Council approved interfund loan to the project account 48.612.12.01.

**Motion by:** Kelly

**Second by:** Berry

**Vote:** Unanimous.

**Action 2:** Motion to approve contract to Summit Design and Engineering Services in the amount of \$220,000.00 (\$198,606.52 contract amount plus \$21,393.48 (~10%) project contingency).

**Motion by:** Berry

**Second by:** Lee

**Vote:** Unanimous.

#### **11d. System Development Fee Report Update**

Kendra Parrish, Director of Engineering, said that Freese & Nichols assisted the Town in the development of the system development fees. The purpose of this report and subsequent updates is to address the methodology used in the development and calculation of water and wastewater system development fees for the Town. The methodology used herein is in accordance with the NCGS chapter 162A, as amended by House Bill 436, for the establishment of water and wastewater system development fees. Chapter 162A defines a system development fee as a “charge or assessment for service imposed with respect to new development to fund costs of capital improvements necessitated by and attributable to such new development, to recoup costs of existing facilities which serve such new development, or combination of those costs.”

Ms. Parrish said the Town is requesting that fees be updated based on a modification to the Water and Wastewater Capital Improvement Plan and project funding policies. The requested scope of services includes: data collection since last report, review of updated planning documents and capital improvement plans, updated land use assumptions, increased evaluation of interim water and waste water infrastructure. Adding projects to this study will allow the Town to use these funds for those projects. Staff does not anticipate the fees going down, because projects will be being added. The anticipated time of completion is 135 days. She said that Charles Archer from Freese Nichols was present if Council had any questions.

Councilman Berry asked if the study indicates a lower fee, would the town have to take the lower fee at that point. Mr. Schifano said that if the new analysis substantiates a lower fee, the town

would be tied to that fee. If it substantiates a higher fee, the town does not required to raise the fee, but could, after the appropriate public hearings.

**Action 1:** Approve a budget amendment transferring \$29,400 from Water/Sewer Capacity Replacement Fund (71.95) fees to Utility Fund Operating Budget 30 432 12.01.

**Motion by:** Lee

**Second by:** Berry

**Vote:** Unanimous.

**Action 2:** Approve contract to Freese & Nichols in the amount of \$29,400.

**Motion by:** O'Brien

**Second by:** Kelly

**Vote:** Unanimous.

#### **11e. Water System Hydraulic Model Update**

Dirk Siebenbrodt, Engineering, said that regular updates of the current Water System Hydraulic Model through new developments and capital projects data are necessary to ensure that the model stays up-to-date and reflects the actual, real water supply system in the ground. Model updates are done on average every 4-5 years. The last update to the model was performed in 2015-16. He said the findings of the study are used to identify and correct potential current or future system insufficiencies; maintain, categorize, and test the current fire hydrant inventory via generated maps and inventory lists; and support long-term planning.

He said that Hazen and Sawyer has submitted a proposal upon request to update the existing Holly Springs Water System Hydraulic Model. The Town's water system is simulated in a current computer model. From that model, water pressure and water flow can be predicted which is important for fire safety and water supply. With this model update, hydrant locations and information will be added. The work as described in the contract includes analyzing billing data and pumping records, and adding new system improvements and modification data to the current computer model. It will also include the study of operational practices and patterns as well as field testing. Generated information will also help the Public Works and Fire Department to maintain, categorize and test the current fire hydrant inventory via generated maps and inventory lists. Information gathered from the report will also be used in preparation for a November Council Workshop on water demand planning for the future. It works as a stress test for the water system, testing scenarios: for example, what would happen if 10 fire hydrants were in use at the same time.

Councilman O'Brien asked if this was done every year. Mr. Siebenbrodt said that it is done every four years. This time the town is requesting much more information from the consultant than for a typical four year update. It includes exact locations of all hydrants, conversion of data from the Town's system to the model, information for the Fire Department and Public Works, with real time performance of the hydrants. Councilwoman Kelly asked what the benefits to the town are of having this model. Ms. Parrish said that behind this model, as development is occurring, staff can make sure adequate infrastructure is being built to support a particular development. It also helps with long-range planning and needed infrastructure agreements. Finally, it helps the town's ISO rating, which helps tax payers.

**Action 1:** Motion to transfer \$77,484 (incl. 10% contingency) from Water Reserves Account 23.95 to Operating Budget Account 30 432 12.01.

**Motion by:** Kelly

**Second by:** O'Brien

**Vote:** Unanimous.

**Action 2:** Motion to approve the Hazen and Sawyer contract for the 2019 Water System Hydraulic Model Update.

**Motion by:** Lee

**Second by:** Berry

**Vote:** Unanimous.

**12. Other Business** – None that required action. Councilwoman Kelly said that people are questioning whether NC 55 Bypass is actually a bypass anymore. Ms. Parrish said that there is paperwork in process to change NC 55 to Main Street, and the Bypass to NC 55. This will come before Council at a later point after NCDOT acts. Councilwoman Kelly also thanked staff for efforts to improve parking and safety in the Village District.

Councilman O'Brien sent congratulations to the Holly Springs Run Club. Also, on the Friday before the run he did a ride along with the Holly Springs Police Department and there were zero calls, which shows how safe Holly Springs is. He asked if in the next workshop the Parade and Citizen of the Year could be discussed and planned.

Councilwoman Lee reminded the audience that traditional schedule school starts next Monday, so to please keep that in mind as you travel. School events that generate traffic are posted on the town's social media accounts.

**13. Manager's Report:**

Randy Harrington, Town Manager, said that he had four items.

1. Next Monday, there will be a neighborhood meeting relating to the landfill, August 26<sup>th</sup> at 7:00 PM in the Council Chambers;
2. Tuesday August 27<sup>th</sup>, there will be joint meeting with the Planning Board on re:Vision Holly Springs at the Cultural Center;
3. Thursday August 29<sup>th</sup> at 8 am at the Cultural Center is the Chamber's State of the Town event; and finally,
4. WallMart is offering a Holly Springs-Opoly game.

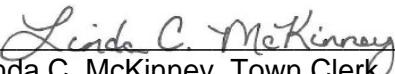
Mayor Sears reminded the audience that on the 27<sup>th</sup> there will be a special meeting before the joint meeting, to address the Norris-Holland-Hare House bid.

**14. Closed Session:** At 9:22 pm Councilman Berry made a motion to go into closed session to consult with the town attorney, pursuant to NCGS 143-318.11(a)(3) and to discuss an economic development matter, pursuant to NCGS 143-318.11(a)(4). The motion was seconded by Councilman Lee and passed with a unanimous vote.

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

**15. Adjournment:** Councilman Berry made a motion to adjourn at 10:46 pm. It was seconded by Councilwoman Kelly, and passed unanimously.

Respectfully Submitted on Tuesday, September 3, 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.