



November 5, 2019

## MINUTES

The Holly Springs Town Council met in regular session on Tuesday, November 5, 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, Peter Villadsen, and Dan Berry, 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); Tamara Ward, *Communications and Marketing*; Mark Andrews, *Communications and Marketing*; Mathew Mutter, *IT*; Gina Clapp, *Director of Planning and Zoning*; LeeAnn Plumer, *Parks and Recreation Director*; Carolyn Couch, *Parks and Recreation*; Cassie Hack, *Director Communications and Marketing*; Kendra Parrish, *Director Engineering*; Aaron Levitt, *Engineering*; Rachel Jones, *Engineering*; Tim Athy, *Engineering*; and Leroy Smith, *Fire Chief*.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Pastor Marcus C. Williams of Douglas Chapel Church.

**4. Agenda Adjustment:** The November 5, 2019 meeting agenda was adopted with changes, if any, as listed: None.

**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:

Jay Lewis, 256 Vinewood Place, spoke about trash pickup at Holly Springs Towne Center. He said that since the new company took over, trash is being picked up in the wee hours of the morning. He pointed out that the noise ordinance in Apex lists the collection of garbage as being noise that is not allowed outside of specific hours. He would like the Town to rewrite the noise ordinance to prohibit trash pickup outside of the hours of 7:00 am to 11:00 pm.

Joe Fuller, 313 Wolfbridge Road in Remington Subdivision, spoke about line of sight issues at the intersections of Center and Main, and Ballentine and Main. He thanked the Town for striping the parking, then said that the line of sight does not meet DOT regulations for Class 3A intersections. He requested that the Town make adjustments because the columns on Town Hall and the flag poles obstruct the sight lines.

Stephanie Embry, 304 Mystwood Hollow Circle, presented a petition. She said the residents want a sidewalk on Ralph Stephens Rd. between 55 and Piney Wilbon. She showed a presentation of

which areas are already covered, and which areas have no sidewalks. She said there is no pedestrian crossing at Wildwood Way, and most of the development is on the North side and the sidewalks are on the south side.

### **6a. Skyhawks**

Doug LeRoy, President and Jason Guetgemann, Vice President and Daniel Laughlin of the Holly Springs Skyhawks said the Holly Springs Skyhawks started as a club that met at Sugg Farm to fly recreational remote controlled airplanes. They are a chartered, Gold Leader, club of the Academy of Model Aeronautics with 49 members including seniors and youth. They host a radio control model aeronautics fly club at Sugg Farm each Saturday morning, which is open to the public. As part of the club agreement with Bass Lake, the club is required to do an annual service project that benefits the Town. Since 2017, the Skyhawks have hosted Wings Over Springs as their service project. Wings Over Springs is a Charity Electric Fly-In involving remote controlled airplanes and drones. This event allows residents and visitors to learn about this hobby and actually fly one of the remote controlled planes using a “buddy-box” system.

Mr. LeRoy and Guetgemann presented a check for \$1,500 to Bass Lake Park from a portion of the funds that were brought in from pilot registrations for the Wings Over Springs event.

### **6b. Drone Pilot Program**

Aaron Levitt, Engineering, said that Holly Springs applied for and was selected to participate in the FAA's Unmanned Aircraft Systems (UAS) Innovation Pilot Program along with nine other locations throughout the country. Holly Springs applied as a team member on the NCDOT Division of Aviation's team. The program's intent is to integrate drones into the national air space, demonstrate the benefits of this emerging technology, and improve the regulatory environment faced by businesses that desire to utilize drone technology.

He said that Flytrex/Causey Aviation received Federal Aviation Administration (FAA) approval to begin drone package deliveries in Holly Springs. Flytrex is planning a First Flight event that will take place at Ting Park in November or December and is expected to attract national attention. The event is open to the public and we encourage interested parties to attend this historic event. Operations will deliver orders from up to 15 different restaurants located in the Holly Springs Towne Center. During Phase 1, deliveries will go to Ting Park. Future phases are expected to expand the deliveries to other parts of the Town. Drone Package Delivery has many benefits including environmental, social, economic, and transportation. The delivery drones have gone through extreme analysis and vetting by the FAA to ensure that safety standards are met.

Public Outreach has been achieved through public meetings, interviews, podcasts, newspaper articles, television news broadcasts, farmers market/festival presence and featured in the New York Times and the Wall Street Journal as well as other media outlets. Staff has attended semiannual meetings with the FAA/NC Department of Transportation (NCDOT) and was interviewed by the White House office of Management and Budget.

Wes Shover, Flytrex, thanked staff for their work with the FAA. He gave a presentation about the partnership with Causey Aviation Unmanned, showing the proposed route and describing safety mitigations and other technical details of the program. He talked about citizen engagement and the process of figuring out how this is going to change people's lives.

### **7a. 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 Villadsen, and a unanimous vote. The following actions were affected:

7a. Minutes – The Council approved minutes of the Council business meeting held October 15, 2019.

7b. Town Hall HVAC Replacement Phase 1B – The Council approved a contract with Hoffman Mechanical Solutions to replace the basement and first floor HVAC units in Town Hall.

7c. Wake County Multi-Jurisdictional Hazard Mitigation Plan – The Council approved a Resolution 19-32, adopting the Wake County Multi-Jurisdictional Hazard Mitigation Plan. A *copy of Resolution 19-32 is attached to these minutes*.

7d. BB&T Lockbox Contract – The Council approved a contract with BB&T for lockbox services.

## 8. UNFINISHED BUSINESS

### 8a. Development Plan 19-DP-11: Hawthorne at Holly Springs

Gina Clapp, Director of Planning and Zoning, said this plan is for a 185 unit multi-family project located at the intersection of Piney Grove-Wilbon Rd and Southern Crossings Blvd. This project is the second of two parcels identified for multi-family residential development within the Southern Crossroads Master Plans, the first being The Exchange, which is currently under construction. This project was presented to the Town Council on October 15 where the public hearing was held and closed and consideration of the multi-family development plan was tabled to allow the petitioner to consider additional pedestrian connectivity. After the October 15<sup>th</sup> meeting the land owner, developer and their attorney met with staff, and they have proposed to design and construct 1,360 linear feet of 5' wide sidewalk along the north side of Ralph Stephens Road, install an advanced pedestrian crossing sign, painted crosswalk, and dedicate a public sidewalk easement to the Town upon the condition that the Town reimburse his expenses not to exceed \$15,000 paid for by development fee waivers and/or town appropriated funding, anticipated FY 20-21.

The Planning Board discussed the following issues and concerns on September 24, 2019:

- Lack of pedestrian connectivity to adjacent developments due to Developer's Agreement.
- Concern over proximity of residential buildings to the power lines.

He said the Planning Board recommended approval (4-3-2)

Those voting against the motion were:

- Mr. Madoni – based on the lack of additional amenities provided other than the bare minimum requirements.
- Mr. Crandall – based on the EMF exposure from the power lines to the three nearest apartment buildings.
- Mr. McGrath – based on the lack of connectivity for this area with the rest of the town.

Rachel Jones, Engineering, showed where the sidewalks on the north side will be, and the crosswalk at Ralph Stephens and Southern Crossroads Blvd. She said that a Trip Generation Memo was submitted to the Engineering Department to confirm that the project impacts are within the TIA parameters that were previously approved with the Southern Crossroads Master Plan. She said that all environmental and stormwater ordinances and standards are required.

Councilman Villadsen said that he appreciated all parties getting together, and thanked Councilman Berry for taking the lead.

**Action:** Motion to approve Development Plan 19-DP-11 for Hawthorne at Holly Springs with the conditions stated below.

**Motion by:** Villadsen

**Second by:** Berry

**Vote:** unanimous

**Conditions:**

All previous conditions of approval for *Southern Crossroads Master Plan* shall apply to this amendment except for any condition that describes a fee or a fee-in-lieu to be paid shall now comply with the current amounts due pursuant to the town's current annual budget or any unexpired development agreement.

1. The following must be submitted with the first Construction Drawing submittal:
  - a. A point-by-point photometric plan for all site lighting (not including public right-of-way street and pedestrian lights) in conformance with lighting levels specified in UDO Section 7.02 shall be submitted to and approved by the Department of Planning & Zoning.
2. Prior to Construction Drawing Approval, the following items must be addressed:
  - a. Street Tree locations shall be shown with approved lighting fixture locations shall be positioned as to not interfere with any lighting fixtures or any site distance triangles.
3. No more than 85% of building permits shall be issued prior to the completion of all developed recreational open space.
4. This project will be required to meet Town's NPDES Phase II Post Construction Stormwater ordinance.
5. No fill is allowed in the floodplain for residential development.
6. Prior to the 1<sup>st</sup> construction drawing submittal, the following items must be addressed or included with the submittal:
  - a. All items listed on the Stormwater Submittal Checklist, Form #16003.
7. The following must be addressed prior to issuance of a land disturbance permit or Construction Drawing approval:
  - a. Approval of Stormwater Management Plan.
  - b. Payment of the Stormwater Fee-in-Lieu.
  - c. Stormwater sureties are required on this project. A performance surety in the form of a bond, letter of credit or cash is required in the amount of 125% estimated construction cost of the stormwater BMP prior to the preconstruction meeting and a maintenance surety in the form of a cash escrow account in the amount of 35% the actual construction cost of the BMP is required at the end of the performance monitoring period for the project.
  - d. All environmental permits must be obtained for the entire project.
8. The Fire Flow Analysis must be completed and approved.
9. Prior to issuance of any certificate of occupancy, a 5' wide sidewalk must be installed along the north side of Ralph Stephens Road from the eastern most property line to the existing sidewalk at S. Main Street and a signed and painted crosswalk and advanced pedestrian crossing sign must be installed.

**9. NEW BUSINESS****9a. Avent Ferry Road Re-alignment Transportation Bond Project Pre-Construction Services**

Tim Athy, Engineering, said that this project is identified as a green 2019 Transportation Bond road improvement project with construction anticipated to start in 2022. The project will realign Avent Ferry Road to create a new cross-town connection from Avent Ferry Road to Bass Lake Road via Pine Avenue and Stinson Avenue. The realignment will begin at Cotten Lane. This will relieve congestion in the Village District along Main Street and the "tree streets" and will establish new gateways into the Village District.

A public engagement meeting was held August 6 at Holly Springs Town Hall. A consultant selection process was held and Mead & Hunt was the most qualified firm selected. The scope of their services includes: survey, design, right-of-way plats, meeting coordination, environmental documents, geotechnical assessments, NCDOT coordination, and preparation of bid documents.

The anticipated schedule for design services through advertisement of bids is two years. Survey and design will begin in the winter of 2019, right of way acquisition in spring of 2021,

construction contractor approved by Council in summer of 2022, and the project complete in the summer of 2023.

**Next Steps:**

- Staff will present final project details to Town Council, once right-of-way needs are established.
- Future Council actions would include: 1) funding for appraisals and subsequent easement of right-of-way acquisition, and 2) construction bid award

Councilman Berry asked about the percentage of the project budget going toward design, and whether the project was anticipated to come in at budget, and about the plans for sidewalks through this area. Mr. Athy said that the amount approved for this contract includes a 30% contingency, and that staff will work to keep costs down. However, construction costs are continuing to rise. Staff is evaluating several options for sidewalks, and want to choose the options to best serve our residents and be economical.

**Action 1:** Motion to approve design budget for the Avent Ferry Road re-alignment green bond project and move \$960,500 from prior Council approved interfund loan to project account 48.620.12.01.

**Motion by:** Kelly

**Second by:** Villadsen

**Vote:** Unanimous

**Action 2:** Motion to award design consultant contract to Mead & Hunt in the amount of \$960,500.

**Motion by:** O'Brien

**Second by:** Lee

**Vote:** Unanimous

## **10. OTHER BUSINESS**

None that required action.

## **11. MANAGER'S REPORT**

Randy Harrington, Town Manager, announced the Veterans Day memorial event at Veterans Park at noon.

He then invited Kendra Parrish, Director of Engineering to update Council on the W. Holly Springs Road median situation. Ms. Parrish said that over the past four weeks staff has had 3 meetings with the traffic consulting engineer, 3 meetings with the site consulting engineer, 3 meetings with NCDOT and 4 meetings with the contractor. NCDOT reviewed the analysis and authorized a temporary left-only turn from Holly Springs Road onto Earnie Lane. The contractor estimates the cost at \$140,000. She said that in the future the NC 55 W. Holly Springs Road interchange will be grade separated, and left-turn access will be reevaluated at that time.

She said the status of the negotiation is currently that the Developer would fund 51% of the project (\$71,400) and the Town would fund 49% (\$68,600). The Developer has requested a waiver of development fees for two remaining medical office building sites on the impacted property (preliminary value estimate \$10,000). Potential sources of funding for the Town's share are \$43,488 from remaining Street Reserves, and \$25,112 from the General Fund fund balance. She said that staff is still investigating possibilities, and will come back to Council at the November 12<sup>th</sup> workshop or the November 19<sup>th</sup> business meeting.

She outlined three options for moving forward:

**Option 1:** Refine proposed partnership framework and bring back for Council consideration at Nov. 12<sup>th</sup> Workshop or Nov. 19<sup>th</sup> Business Meeting

**Option 2:** Pursue a median modification with the future design of the project for widening W. Holly Springs Rd. from Main St. to the Bypass

**Option 3:** Allow the developer/business owners to use the study and plans, and they privately pursue the modification as well as evaluating a second access to the adjacent public right of way which could make a connection to Ballentine Street.

She then shared the funding strategy for non-bond transportation projects.

Council's consensus was to go with Option 1.

**12. Closed Session:** None.

**13. Adjournment:** Councilman Berry made a motion to adjourn at 8:05 pm. It was seconded by Councilman Villadsen and passed unanimously.

Respectfully Submitted on Tuesday, November 19, 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.**