



February 18, 2020

### MINUTES

The Holly Springs Town Council met in regular session on Tuesday, February 18, 2020 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 Dan Berry, Peter Villadsen, Shaun McGrath and Aaron Wolff, and Councilwoman 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); Kathy White, *Deputy Town Clerk*; Cassie Hack, *Director Communications and Marketing*; Tamara Ward, *Communications and Marketing*; Mark Andrews, *Communications and Marketing*; Mathew Mutter, *IT*; Gina Clapp, *Director of Planning & Zoning*; Melissa Sigmund, *Planning & Zoning*; Caleb Allred, *Planning & Zoning*; LeeAnn Plumer, *Director Parks and Recreation*; Matt Beard, *Parks and Recreation*; Kendra Parrish, *Director Engineering*; Daniel Colavito, *Engineering*; Rachel Jones, *Engineering*; Bronwyn Bishop, *Engineering*; Irena Krstanovic, *Director of Economic Development*; Seann Byrd, *Director Water Quality*; John Herring, *Chief of Police*; and Leroy Smith, *Fire Chief*.

**2. and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Pastor Mike Remedios, of Oasis Church.

**4. Agenda Adjustment:** The February 18, 2020 meeting agenda was adopted with changes, if any, as listed: none.

**Motion by:** Berry

**Second by:** McGrath

**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:

LaVerne Cofield, 5636 Easton Street, spoke about former Mayor Gerald Holleman. She said he had a vision for Holly Springs. She said his health is failing and she would like the Town to show him some type of appreciation for his service to the Town. His wife told her that he is feeling like the Town doesn't hear him anymore. She would like him to be honored with an appreciation day or a luncheon, or some form of appreciation while he is still alive.

John Beimler, 112 Shopsgate Court said he was thankful for the new crosswalk in their community and he appreciated the town's work. He said that residents are also excited about the new greenway and would like to be included in the planning for it. They have concerns about the current greenway and the way that it is being maintained, which they believe is not safe. He wants the Town to plan for maintenance as they plan the new greenway. There are still ruts from trucks



and construction debris in his yard from the past work. The Community is stepping up to keep the greenway clean, so this is a cooperative effort. The HOA is mowing and emptying the dog station.

Garrett Raczek, 111 Cicada Place, spoke about affordable housing. As with the Community Advisory Committee with the landfill issue, he would like a commission on affordability and equity. He gave statistics on inequity in housing in Holly Springs. Many of the families who have been in town since the 1990's are being pushed out or priced out of their communities. The Commission would consist of stakeholders and experts would last a year, and would report to Council at that point. Mrs. Frances Perkins, 109 Fountain Springs, said that she was blessed to move to Holly Springs in 2000 with her family. She saw the plan, and it was a beautiful plan, and it was a plan for all people. She spoke about the need for housing to be affordable and equitable. Her family is living their dream, due to the good education in Holly Springs, and she wants that for everyone. She asked Council to keep that in their hearts during their upcoming retreat.

Rhonda Dehler, 5706 Sunset Fairways, spoke about traffic. She came to the December meeting about speeding, traffic calming, and safety in the neighborhood. There is a core group of people working with them and they are happy about the police presence in their neighborhood a few weeks ago. Town staff also visited and determined that signs are not reflective enough and arranged to power wash the signs. For this she said thank you. Residents are encouraged by these steps, but are looking for budget items to improve the situation.

Kathryn Ward Dunn, Salem Ridge Drive, said she appreciates the efforts that are being made, but residents want to discuss some out-of-the-box ideas and want staff to use the Sunset Ridge committee to work together to come up with new ideas. They will be here every meeting until people stop speeding.

Jacqueline Viera, Linksland Drive, said she that hears and sees a lot of cars speeding. A car flattened a rabbit in front of her daughter in front of her house. She looks forward to working with staff to find a way to slow people down.

#### **6a. Oath of Office: Kathy White, Deputy Town Clerk**

Mayor Sears introduced Kathy White as the new Deputy Town Clerk. Linda McKinney, Town Clerk, administered the Oath of Office to Ms. White.

#### **7a. NCDOT 540 Update**

Randy Harrington, Town Manager, introduced Dennis Jernigan, of the NC Turnpike Authority.

Mr. Jernigan gave a presentation on the progress on the 540 project. Phase 1, R-2721A is from NC55 to Pierce Olive Rd. It is 4.3 miles and will cost \$183.5 million. Seventy-five percent (75%) of the parcels needed for this phase have been settled. Phase 1, R-2721B is from Pierce Olive Rd. to I-40 and is 4.9 miles. It will cost \$160 million and 77% of the parcels needed have been settled. The final section of Phase 1, R-2828 is from US401 to the I-40 Clayton Bypass. It is 8.6 miles long, will cost \$403.2 million, and 26% of the parcels needed have been settled. This part is a design-build contract with the contractor managing the acquisitions, which is why it is not as far along. He then gave construction updates, including the sound walls that could be used, and where the interchanges will be. The designer is doing the noise wall study in three pieces. The section from 55 to Holly Springs Road is due to be submitted in March. Following the submittal and approval of the noise report, if a community is eligible, there will be a community voting process on whether or not the community wants the noise wall. There are permits required from NCDEQ and Army Corps of Engineers. NC Turnpike Authority has submitted the first of these permits, and will be submitting the modified permit requests in the next few weeks.

The current construction is going on between East Williams to Sunset Lake Road. There has been clearing going on in this area. They are sending postcards to let neighbors know when construction is going on. There was one instance where the property owner was clearing timber, before there was an agreement with NC Turnpike Authority, and neighbors called to ask why they were not notified. It was because the clearing was being done by the owner, not by NCDOT.



In Holly Springs there will be interchanges at NC 55, and at Holly Springs Rd. He gave contact information and invited people to contact them with questions. They are holding meetings at schools in Apex and are willing to meet with schools in Holly Springs, especially to teach new drivers at the High School how to safely navigate work zones.

Councilman McGrath asked about the clearing near Sunset Lake Rd. Mr. Jernigan said that the clear cutting to the east is NCDOT, to the west is the property owner. Councilman McGrath said that near the Woodcreek Atrium area the south side crew left a noticeably smaller buffer than the north side crew, and the clearing came before the post card. He suggested that they should talk to their crews. He asked if portions of the new stretch of 540 would be opened before the whole thing is completed. Mr. Jernigan said the plan is that none of it will open until it connects all the way to I-40, because there is no interchange that can handle 6 lanes of traffic other than I-40.

Councilwoman Kelly asked how many of the 25% of parcels that are not settled are relocations. Mr. Jernigan said that 60% of the relocations for the first two parts are complete, but he does not have the actual number at this point. He can get it to Council. Councilwoman Kelly shared a story of one resident who was relocated in a way that worked well for him and he was happy. She hopes that all residents are treated that well.

Mr. Jernigan said that the Morrisville Parkway interchange recently opened, so now it is no longer the "bridge to nowhere."

Mayor Sears asked if the toll road will be on Pierce Olive. Mr. Jernigan said it will cross Pierce Olive where the high voltage power lines are now, but there will be no interchange there and those lines will be moved.

#### **8a. Public Hearing: Annexation A19-05 Oasis Church**

Melissa Sigmund, Planning & Zoning, said that application for annexation had been received for 8.30 +/- acres on Ralph Stephens Road by the International Church of the Foursquare Gospel. The property is contiguous to the town limits. The petitioner is requesting annexation in order to connect to water and sewer services. The property meets all statutory requirements for annexation.

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

There being no input, Mayor Sears closed the public hearing.

**Action:** Motion to adopt Annexation Ordinance A19-05, annexing 8.30 +/- acres owned by the International Church of the Foursquare Gospel, more particularly described as Wake County PIN 0648757407.

**Motion by:** Kelly

**Second by:** Berry

**Vote:** Unanimous

#### **8b. Public Hearing: 19-DP-08 Development Plan and 19-SEU-05 Special Exception Use**

Melissa Sigmund, Planning & Zoning, said the proposed development is for a 28,320 square foot church accessed from both Ralph Stephens Rd. and Castaway Ct. The proposal includes a phase 1 development of 24,720 square feet of floor area with 144 seats in the sanctuary and another 14 in an assembly hall. The phase 2 development would add 3,600 square feet along with another 459 seats in the sanctuary. The proposal also includes space for offices. Parcel 0648757407 (eastern parcel) was zoned R-30 Residential on 01/17/2006 when it was added to Holly Springs ETJ. Parcel 0648754827 (western parcel) was rezoned R-MF-8 Residential on 12/18/2018.

Ms. Sigmund said a Special Exception Use is a Permitted Use within a specific zoning district that may not necessarily fit in with the surrounding areas and uses and is subject to



further review. Applicants requesting a Special Exception Use, must be able to demonstrate that all required Findings of Fact are being met. The Town Council through the public hearing and sworn testimony must be able to make findings that these facts will be met and/or adhered to as part of the motion. If the Town Council determines that a Fact cannot be met or adhered to, then the Special Exception should be denied.

Any Development Plan that is submitted along with a Special Exception Use is required to be reviewed by the Planning Board for recommendation to the Town Council and then ultimately acted upon by the Town Council after determination if the proposed Special Exception Use of the land is approved.

She said a Variance has been submitted to allow a reduction in the minimum thoroughfare yard and buffer area from 50 feet to 20 feet along Ralph Stephens Road. She showed the building elevations submitted by the applicant.

Councilman Berry asked how staff was measuring compliance with the UDO since it is a non-residential use in a residential district. Ms. Sigmund said the UDO does have standards for nonresidential use in a residential district. Many of them point to the commercial regulations. However, the setback is one that is not addressed, which is why there is the variance request.

Rachel Jones, Engineering, said that the water and sewer is provided to the site through a connection with the Stephens project and the Lightbridge Academy project. A Trip Generation Memo was submitted with 18 am peak hour trips and 25 pm peak hour trips, below the threshold to require a TIA. The Developer will complete the cross section on Ralph Stephens, widening across the frontage to complete the four-lane cross section, and proposed curb, gutter and five-foot sidewalk on Castaway Court. She showed on an aerial photograph where the proposed sidewalks from various projects in the area will be built.

Rick Madoni, Planning Board, said that the Planning Board discussed the following issues and concerns on 01/28/2020:

- If the proposed use was appropriate for this location.
- What road improvements would be required and how those improvements relate to adjacent projects already approved.
- How the project would be phased.
- The other uses the church may have on the property. There was discussion of the facility being used for community meetings, performances, or other similar uses.

The Planning Board recommended approval with a vote of 6-1-1.

Those voting against the motion were:

- Mr. Crandall, stating the proposed use was not appropriate for the location.

*Note: Staff recommended conditions below have been amended since Planning Board to add condition #3.d. regarding site lighting.*

Councilman Berry asked Ms. Jones about Rapid Flashing Beacons for crosswalks. Ms. Jones said they are coordinating with DOT, which is changing some of the requirements, but they are working with them to determine where the best places are for crosswalks.

Councilman McGrath asked if the Stephens Tract greenway was behind the pond. He said maybe there is an opportunity for a crosswalk there, where the greenway will dump out.

Councilman Berry asked if the connection to Lightbridge will come in at Phase 2. Ms. Jones said it would, and at that point there will be a right-in right-out connection.

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

Laura Holloman, with Spaulding Group, spoke representing the applicant. She thanked Council and said she wanted to talk about the journey to get here. Oasis came to her in the fall of



2018 wanting to expand and found a permanent home. She said it is an irregular piece of property, with a stream bisecting it. The building must be built on the part of the property that it is planned for because of the Duke easement, the need to have parking close to the building, and the shape of the lot. There are the maximum number of parking spaces planned with safe pedestrian passageways throughout. There are extra islands and tree coverage throughout the parking lot to address the heat island issues. The tree preservation area is not just the stream buffer, but also an attempt to preserve the trees that are next to existing residential property. They are a nonprofit, but they are doing their full share of the road improvements on Ralph Stephens and Castaway Court.

Pastor Bill Rose 124 Desert Orchid Road, said he was excited to be here. The first gathering of Oasis was about 25 people at the Hunt Center, several years ago. Part of what excited them was the motto "If it's good for the kids it's good for Holly Springs." And that is the focus of Oasis Church. Oasis tries to be the church for all people, no strings attached. They have been an active part of Holly Springs life. They want to be the church for those who do not have a church. They spent three years at Holly Springs Middle School, and then moved to Holly Springs High School for the last three years. They are hoping to build a permanent home where they can meet on Sunday mornings. They do not intend to have a lot of events during the week, but they want to serve the Town.

Councilwoman Kelly asked if they were going to build this big building to only use once a week. Mr. Rose said they will have environments for children, for use on Sunday. They will be happy to let their building be a service to the community. The building we are planning is big enough to serve our congregation at its current size. Ms. Holloman said the first phase will have 144 seats.

Councilman Berry asked why they were asking for a Special Exception use in the residential district instead of requesting a rezoning that would require notifying the neighbors. Ms. Holloman said she didn't think CB zoning allows religious use, but that all the neighbors were notified.

Marcia Martin, 109 Meadow Springs Court, said she wanted to give a resident's perspective. They have lived in Holly Springs for 7 ½ years, and fell in love with the town. They looked for a church here that was part of the community, and that they could be a part of. The thing that stood out about Oasis, was their desire to be of benefit to the community. In her six years at Oasis she has done trash pickups, served hot chocolate during the Parade, served at the Food Cupboard, Holly Fest, and other town events. The church connected her to the Town more than she would have been had she not gone to Oasis.

Sandy Byrne, 108 Presley Snow Court, thanked the Council for allowing her to address them. She is a military wife and mother. In 1996 their first home was in the Hallmark neighborhood. They made the choice to move to Holly Springs because it met their expectations for what a hometown should be. But the one thing that was not convenient was the lack of a church. They went to a church in Cary, and because of that spent Sunday afternoons eating, shopping, and playing, in Cary. Her daughters attended Sunrise Methodist preschool, which has become a permanent part of their life. But she has no permanent community from the church in Cary. They have this community at Oasis, with friends for their children and connections for them. The Oasis youth group has given them opportunities they did not have elsewhere. They have participated in service projects in Holly Springs through Oasis. She thanked Council for considering the permanence of Oasis Church for Holly Springs.

Brantley Powell 5210 Brentwood Lane, Morehead City, said he is the developer for Lightbridge Academy next door. He said he could not imagine a better use for the site, and looks forward to having Oasis Church as a neighbor. He feels that it will be a valuable asset to the community, while only minimally impacting traffic and services in the town and requests that it be approved.

There being no further input, Mayor Sears closed the public hearing.

**Action 1:** Motion to adopt Resolution 20-03 to make and accept the Findings of Fact for consideration of and to approve Special Exception Use and Variance.



**Motion by:** Villadsen  
**Second by:** Wolff  
**Vote:** Unanimous

**Action 2:** Motion to approve Development Plan 19-DP-08 for Oasis Church with the Conditions stated below.

**Motion by:** McGrath  
**Second by:** Kelly  
**Vote:** Unanimous

**Conditions:**

1. Each phase of construction is required to meet all elements of the Town of Holly Springs NPDES Ph. 2 Post Construction Ordinance.
2. The SCM cannot be located in the flood plain. There is not sufficient information to determine if it is within the flood plain.
3. The following must be addressed prior to or included with the 1<sup>st</sup> construction drawing submittal:
  - a. All items listed on the Stormwater Submittal Checklist, Form #16003.
  - b. Thoroughfares, collectors and boulevards will require a calculated pavement design and approval by the Town and NCDOT.
  - c. Documentation in the form of a plat must be provided for off-site right-of-way dedication for this project.
  - d. 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.
4. The following must be addressed prior to construction drawing approval or issuance of a land disturbance permit:
  - a. Approval of Stormwater Management Plan.
  - b. Payment of the Stormwater Fee-in-Lieu.
  - c. All environmental permits must be obtained for the entire project.
  - d. Basal Creek Pump Station/ Garrison Pump Station and forcemain/gravity sewer upgrades and improvements must be completed. The Town is not responsible for completion of off-site sewer facilities, and will not guarantee completion of such facilities by any other party.
  - e. Off-site water facilities must be completed and accepted by the Town prior to construction drawing approval. The Town is not responsible for completion of off-site water facilities, and will not guarantee completion of such facilities by any other party. No plats or building permits will be issued by the Town until all necessary on and off-site water infrastructure is completed.
  - f. 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 SCM (Stormwater Control Measure) 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 SCM is required at the end of the performance monitoring period for the project.

**8c. Public Hearing: 199-DO-01 204 Holly Springs Road**

Caleb Allred, Planning & Zoning, said the Town received a petition for a waiver from the Unified Development Ordinance to allow for Infill Development Options at 204 Holly Springs Road. He said that the site is at the corner of Raleigh Street and Holly Springs Road and is currently an empty lot. The parcel was rezoned on September 18, 2018 from LB: Local Business to R-8: Residential District. He said that the petitioner is proposing to build two single-family



homes with a shared alley. Under Infill Development Options subdivision requirements, the developer has voluntarily agreed to meet certain architectural and site standards and provide public infrastructure in exchange for being able to utilize smaller minimum lot sizes and higher density than a traditional R-8 subdivision. Specifically, providing the following architectural details: multiple building materials, variation in roof height, covered front porch, rear loaded garages, and shutters; and the applicant has agreed to install sidewalk along Raleigh St. and dedicate land along Holly Springs Rd. to support the Holly Springs Rd. road widening. He said the developer proposes planting two street trees, one on Raleigh Street between the two houses and one on the corner of the lot on the Holly Springs Road side. The houses will have rear entry garages accessible from the alley off of Holly Springs Road. The houses will face Raleigh Street.

Rachel Jones, Engineering, said that the property would have a water connection to an 8-inch water main in Raleigh Street, and a sewer connection to gravity sewer main extension in Raleigh Street. The Developer will dedicate right of way on Holly Springs Road and construct a five foot sidewalk, paying fees-in-lieu of construction of curb and gutter on Raleigh Street and road widening proportionate to project frontage toward Phase 1 Holly Springs Rd. Widening project. The property will be right-in right-out once that road widening is complete.

The driveway has been extended to the property line, with access off of Holly Springs Road. Having the driveway off of Raleigh Street was too limiting due to the size and shape of the lot. Raleigh Street does not have on street parking at this time, but the west side is planned for eventual on street parking. This driveway will be restricted in the future to a right-in right-out. Ms. Jones showed on a map how this traffic pattern would work.

Councilwoman Kelly said that realistically, drivers could do a U-Turn on Holly Springs Road. Kendra Parrish said a U-turn is legal now if the driver yields.

Councilman McGrath said that everything else on Raleigh Street is front loaded. The intent of widening Holly Springs Rd. is to make traffic move more smoothly. To continue adding residences on Holly Springs Road is going to defeat that. He wanted to know why it is not "front loaded" from Raleigh Street. Ms. Jones said that staff discussed this with NCDOT and the impact for this thoroughfare would not be significant. The developer can talk to this more, but with the setbacks and the right of way, to achieve the desired two homes, access off of Holly Springs Road was the only option.

Rick Madoni, Planning Board, said the Planning Board discussed the following issues and concerns on 1/28/2020:

- If additional landscaping was needed along the home facing Holly Springs Road.
- If two single-family homes, rather than any of the other options allowed by Infill Development Options, was the best use for this site.

The Planning Board recommended approval with a vote of 6-1-1.

Those voting against the motion were:

- Mr. Crandall - Mr. Crandall did not believe the type of development proposed was the best use of the property.

*Note: Planning Board condition #2 has been removed as requested information has been received (The information request was regarding maneuverability from the garages to Holly Springs Road. The applicant added additional pavement to the driveway to allow adequate space when backing a vehicle out of the garage).*

Mahmoud Sulaiman, the developer, said due to the setbacks and the right of way, one single family house was not possible. Two houses or townhouses were the only options. Townhouses did not fit in with the existing residences in the neighborhood. The coloring, rear loading garage and architectural features will coordinate with existing residences. He said they are



willing to work with the town on the landscaping in order to make the project more attractive to the town.

Councilwoman Kelly said she had concerns about the driveway, and two residences with parking for two cars each. With two houses, with kids or visitors, where will extra cars park. Mr. Sulaiman said the covenants could address the parking, the need not to block each other's driveways, and guests can use public parking. Councilwoman Kelly asked if he was aware that current residents on Raleigh St already have parking and traffic issues. She asked if he met with neighbors. Mr. Sulaiman said he had discussions with neighbors around the rezoning, but was not required to meet with neighbors for any other reason. Councilwoman Kelly said there were concerns also about the appearance of the houses and whether they fit in with the Village District. Mr. Sulaiman said that everything he has planned was coordinated with staff to fit into the village district requirements. He went through the process, meeting all the requirements that the Town recommended. He said it will blend in with Raleigh Street and the Village District. Councilman Kelly said there are historic homes on Raleigh St. and the proposed porch doesn't match the historic porches. Mr. Sulaiman If there are any design changes we need to make to blend in, we are happy to make those changes. Councilwoman Kelly asked why, when he wanted to build two houses now, when he said he wanted to build one when he came for the rezoning. Mr. S said that the infill development allows for different setbacks, which he could do with two houses, but could not with one. Councilman Wolff asked the planning department staff to comment on that claim. Mr. Allred said that Infill Development Options give the applicant the option to build with reduced setbacks and lot sizes. The applicant also agrees to meet the architectural standards. Infill Development Options do not specify the number of homes that must be built. Councilman McGrath asked if there was the option for a front loading garage in an infill development option. Mr. Allred said there is a front loading shared driveway option. Ms. Sigmund said they could have the driveway off of Raleigh that went to the back, based on the development options. Whether that would be feasible or not is another question. Councilman Villadsen asked if given the smaller size of these homes, they would be more affordable than the typical home in that area. Mr. Sulaiman said yes, a smaller home would be more affordable than a larger home. Councilwoman Kelly asked if he planned to sell the houses. Mr. Sulaiman indicated that he had friends who would possibly live in the houses. Councilman Berry asked about the size of the houses. Mr. Allred said the footprint is on the plan, but the square footage cannot be required at this point. Mr. Sulaiman said they would be around 2000 square feet. Councilwoman Kelly asked if he talked to the neighbors about his plans. Mr. Sulaiman said he was on the property and spoke to some neighbors, but at that point he did not know that one house would not be the best option and he has not spoken to them since.

With that explanation completed, Mayor Sears opened the public hearing. The following sworn testimony was received:

Amon Atwater, 412 Holly Springs Road, said his concern about this project is how Holly Springs Road can be widened with two single family homes put on that lot. He asked for an answer, and Town Attorney, John Schifano said that the purpose of the hearing was to receive sworn testimony. He then said he would not like to have two houses built on this lot.

Richard Brown, 208 Holly Springs Rd, said he lives adjacent to the property at 204 Holly Springs Road. He is adamantly opposed to two houses. He was fine with one house when the lot was rezoned. He has encroached on the property when he had gravel brought in because when it rains his backyard is swamped. He can move the gravel. He said he is opposed to this project because the driveway proposed is all impermeable surface and all the water is going to run off into his lot.

There being no further input, Mayor Sears closed the public hearing. Councilman Wolff asked planning staff why the driveway on Holly Springs Road was preferred to Raleigh St. Ms. Jones said the driveway on Raleigh Street was preferred. But as discussions



progressed with the right of ways and other requirements, a single family home was not workable unless they used Infill Development Options, whether for one house or two. With a shared driveway, the Raleigh Street driveway would not work. The Holly Springs Road driveway is not staff's preferred option, but it is allowed. Councilman Wolff asked for clarification that a single family home would be allowed with Infill Development Options. Mr. Allred said that it would be allowed. Councilman Berry asked if a waiver on setbacks was looked at without Infill Development. Ms. Sigmund said a variance could be requested, but depending on what was being asked for it could come before Council or the Board of Adjustment, and that is another unknown for the applicant. In this case there were a number of constraints on the property which meant the Infill Development Options might be the best option. It is up to the applicant to decide what option is their best choice. Neither is better or worse, they are just different options.

Councilwoman Kelly asked if someone could speak to the water issues in this space that Mr. Brown brought up. Ms. Jones said she was unaware of any issues brought before the town. This project did not trigger any stormwater requirements.

Councilman McGrath said that other adjacent homes on Raleigh Street are relatively new. He asked if they used the Infill options. Mr. Allred said the other homes are the same zoning as this project, but the Infill Development Options did not exist when they were built.

Councilman Wolff said he appreciated the need to use Infill Development Options, given the right of way they are giving up. But he did not believe that two houses are necessary, and shares Councilman McGrath's concerns about traffic on Holly Springs Road and Councilwoman Kelly's concerns about parking, given how narrow that road is. There is some utility to the affordability issues that Councilman Villadsen brought up, but he did not think two single family homes are the best option.

Mayor Sears asked Town Attorney, John Schifano, what the procedure would be to move forward at this point. Mr. Schifano said Council needed to make a finding of fact for or against this use of the property, based on whether it would adversely affect the neighboring properties, would be appropriate to the site and its surroundings, based on what you know about the size of the parcel, and the use of the parcel. Council can find that this use would or would not adversely affect the neighboring properties. That Council needed to vote on a finding that will state the adverse impacts (traffic, stormwater, etc.) if they want to vote against this use. He said that Council can only vote on the proposal before them – for two homes – they cannot vote on a single house option.

**Action 1:** Motion to find the following facts: That the development is not appropriate due to the proposed access onto Holly Springs Road, which the Town is currently in design and construction to make a four lane median- divided road; that the proposed houses are not in keeping with the neighboring properties; that the lot is too small to provide adequate parking for the proposed use; that the applicant's own testimony testified that the residents might need to use public parking, and public parking is not reasonably available in the area; that material and competent testimony was received from an adjacent landowner under oath that he currently has drainage issues from stormwater that will be exacerbated by the level of impermeable for the proposed use; and that development regulations would allow for one house to be placed on the lot, despite the applicant's position that two houses should be placed on the lot.

**Motion by:** Berry  
**Second by:** Kelly  
**Vote:** Unanimous

**Action 2:** Motion to deny Infill Development Option Development Plan 19-DO-01.

**Motion by:** Berry  
**Second by:** Kelly  
**Vote:** Unanimous



Councilman McGrath stated that the applicant could come back to staff with a proposal for a single home on this lot.

## **9. Consent Agenda**

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

9a. Minutes – The Council approved minutes of the Council business meeting held February 4, 2020 and the Council workshop meeting held February 11, 2020.

9b. Monthly Administrative 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. Budget Amendment – HSPD Community Grant – The Council approved a budget amendment appropriating \$3,500 in community grant proceeds from Walmart, increasing Public Safety Revenues, Misc. (10 318.01) by \$3,500 and increasing Supplies Crime Prevention (10 418.18 62.14) by \$3,500. *A copy of the budget amendment is attached to these minutes.*

9d. Property Transfer of 0.3 acres for I-540 – The Council authorized the Mayor to execute a deed conveying approximately 0.3 acres of a vacant town tract located at 4210 Sunset Lake Road to the Turnpike Authority for right of way necessary to accommodate construction of 540.

9e. Cass Holt Road Co-trench Fiber Installation – The Council approved the agreement between Ting, Inc. and the Town of Holly Springs for the co-trench construction of a conduit network, with the Town reimbursing Ting in the amount of \$38,072, with a \$2,000 contingency.

## **NEW BUSINESS**

### **10a. South Wake Landfill Malodor Resolution**

Randy Harrington, Town Manager, said that the South Wake County landfill is a regional landfill owned by Wake County and operated by GFL Environmental. The landfill covers 471 acres, with 179 acres used for the actual disposal of solid waste. Malodors are undesirable smells emitted from the landfill. Malodors will occasionally occur in the operation of a landfill, but the frequency and intensity of malodors has become excessive and detrimental to the enjoyment and well-being of many Holly Springs residents and businesses. At its February 11, 2020 workshop, Council requested that a resolution be drafted to send to Wake County expressing Council's concerns and requesting a number of actions by Wake County and GFL Environmental to engage the Holly Springs community and use all innovative methods and investments to significantly reduce the frequency and intensity of malodors.

Mr. Harrington said that he was notified by the County Manager on Monday, February 17, 2020 that he was going to recommend that instead of discussing this issue at the committee meeting, the Wake County Board of Commissioners will discuss it with all county Commissioners at the March 9<sup>th</sup> meeting of the entire board.

Councilwoman Kelly said the intent of the resolution is to let our residents know that the County is responsible for the landfill but that the Town wants to work with them to make things better for our neighbors.

Councilman Wolff agreed that the resolution is to let the residents know that Council is addressing this with the County.



**Action:** Motion to adopt Resolution 20-04, Resolution of the Town of Holly Springs Town Council Malodor Mitigation Requests for the South Wake Landfill.

**Motion by:** Berry

**Second by:** McGrath

**Vote:** Unanimous

**10b. 19-MAS-03: Carolina Springs Architectural Master Plan**

Melissa Sigmund, Planning and Zoning, said developer Lennar has submitted a Master Plan for the Carolina Springs PUD. She said that the purpose of the Master Plan is to provide design guidelines to be used instead of the standard architectural design standards in the UDO. Planned Unit Developments are offered greater flexibility to create their own standards, which allows individual developments to create unique or creative architectural features. The Plan will promote consistency among buildings within the development and enhance compatibility of design and appearance requirements. She said that individual development projects will still go through the standard review process.

The proposed Architectural Master Plan generally categorizes buildings into either Icon Buildings or Fabric Buildings. Icon buildings are located at key points of interest and have the greatest flexibility for creativity. Fabric buildings maintain the high quality, but may be less prominent in design. The Plan allows for high quality building materials, pedestrian oriented spaces, and opportunities for sustainable building features.

Rick Madoni, Planning Board, said the Planning Board discussed the following issues and concerns on 01/28/2020:

- If additional standards should be included for bus shelter design and placement and street lighting. The applicant indicated they were still looking at both of those items. There is a section in the design guidelines for streetscapes that will be added in the future once more information is known of the specifics of the development.

The Planning Board recommended approval with a vote of 7-0-1.

David Stallings, Capital Properties and Brian Richards with Urban Design Partners, said that they were following the Community Design features, and meeting or exceeding those requirements. The Community Design Principles center on Nature, Arts, Health & Wellness, and Community. They intend to have four land use districts within the PUD: Town Center District, Innovation District, Village Square District, and Neighborhood District. He then gave examples of the types of architectural design entries, façade variations and building materials they plan to use. He said that they intend for there to be bus shelters, but it is too early to design those at this point. The Iceplex is still in the plan, and they are discussing the size and orientation of it. This Plan just sets the architectural requirements, and they will work with staff on bus stops and sign packages as they move forward. The focus of the design guidelines is to keep it a pedestrian scale development.

Councilman Villadsen asked about sustainability. Mr. Richards said they are discussing solar, rain collection, "live roofs", and keeping the area walkable.

Councilman Wolff asked what they meant when saying they would "encourage sustainable building." Mr. Richards said that he uses that phrase carefully, but everyone on the team is invested in sustainability. Mr. Stallings said they are trying to focus the sustainability in the open spaces and public spaces that they as the developer can control. But the Iceplex is looking at solar as it is a huge roof and there is money in rebates, grants, etc. for that right now.

**Action:** Motion to approve Master Plan 19-MAS-03 for Carolina Springs as submitted by Lennar, dated revised January 23, 2020.

**Motion by:** McGrath

**Second by:** Kelly

**Vote:** Unanimous



### **10c. Arbor Creek Greenway Contract**

Matt Beard, Parks and Recreation, said that the purpose of this item is to consider awarding a contract for professional consulting services for the Arbor Creek-Middle Creek Greenway Extension to SEPI. This contract would cover site inventory (including mapping, natural resource assessment, geotechnical investigation, and existing boardwalk assessment) floodplain modeling, and greenway design and construction documents. The contingency amount would cover any needed civil/site construction administration costs, supplemental filed topography, and conditional letter of map revision. This ties into Strategic Plan Engaged, Healthy, and Active Community Initiative 2.1 "Expand parks, greenways, and open space through the implementation of the remaining 2011 Parks and Recreation Bond." He showed a map of the area that will be studied, and showed that pedestrian connectivity for Arbor Commons, Arbor Creek, Bridgewater, Sunset Ridge and Woodcreek was the goal, with several trailheads along the way. The intent is to support regional connectivity with the Middle Creek greenway in Apex. This project will also address issues with the exiting trail. The existing boardwalk's condition will be evaluated, and then either repaired, or a new solution to maintain connections to those neighborhoods be found. A limited number of easements and property acquisition would be needed to complete this greenway extension.

Mr. Beard outlined the selection process that staff went through before choosing SEPI for this project and introduced the team who would be working on the project. He said the next steps for this project would be for SEPI and town staff to complete the design and permitting phase, which should be completed by February 2021. Construction contracts could then be bid in early spring of 2021, with construction beginning in the summer of 2021.

Councilman Berry said in recent projects we have plans to repay the reserves. He asked if there was a plan to repay the reserves from the bond funds with this project. Mr. Harrington said he would like to recommend a third motion to allow the ability for this to be reimbursed from the bonds, if Council chooses to.

There was discussion about the connection to the Apex greenway and whether the guidelines would be compatible regarding the look and the rules; and there was discussion about the timeline and whether Holly Springs could leverage the design from the Apex work. Mr. Beard said that it is possible to make the Holly Springs section of the greenway stand out so that it is obvious that one has left Apex and entered Holly Springs, or to make it a seamless transition. That would be a choice Council could make. Apex is using the same design team, so Holly Springs will be able to benefit from them being familiar with the terrain. Apex has a head start on construction, but they have to contend with 540, so if we finish at the same time there could be a joint opening celebration.

**Action 1:** Motion to award a contract to SEPI in the amount of \$442,200 for professional design services for the development of the Arbor Creek Greenway Extension, with an additional \$110,000 in contingency.

**Motion by:** Villadsen

**Second by:** McGrath

**Vote:** Unanimous

**Action 2:** Motion to approve a budget amendment transferring \$442,200 and \$110,000 (contingency) from Park and Recreation Reserves to Arbor Creek Phase 2 Project Account (49-902-91).

**Motion by:** Kelly

**Second by:** Wolff

**Vote:** Unanimous



**Action 3:** Motion to authorize a reimbursement resolution to allow eligibility for up to \$552,200 in reimbursements from 2011 Parks and Recreation Bond proceeds.

**Motion by:** Berry  
**Second by:** McGrath  
**Vote:** Unanimous

## **11. OTHER BUSINESS**

Mayor Sears said we still have issues with crosswalk safety and speeding. Councilwoman Kelly said she has also had trouble crossing at the Sir Walter area where there is no crosswalk. She also almost got hit at the intersection where there is a crosswalk. It was at dusk with rain, but we need to do something. Mayor Sears met with other Wake County mayors recently and we are in better shape than other municipalities, but we are not happy with the pedestrian crossing and speeding in the area.

Councilman Wolff asked if there would be any utility in the police placing their speed registering signs at crosswalks to monitor speeding in this area. Mr. Harrington said that staff is looking as part of the budget process, at funding more RFB crosswalks. Councilwoman Kelly asked who was going to take the lead regarding honoring Gerald Holleman. Mayor Sears said he would take the lead. He has spoken with Mr. Holleman frequently. He will work with staff and whoever wants to help to do something for him. Councilman Wolff said he would like to help. He said he sat down with Mr. Holleman last summer and he is just as passionate about Holly Springs now as he always was.

Councilman Wolff then opened the discussion on the landfill committee in regards to deciding the makeup of the committee and their responsibility to Council. Mayor Sears suggested discussing this at the Retreat as it is an important issue and he doesn't want to rush through it tonight. Council agreed that the retreat would be the proper place to discuss this committee.

Councilman Wolff asked if Simple Recycling was scheduled to speak at a meeting. Mr. Harrington said there has been discussion around it but they are not scheduled yet, and staff would be open to input from Council on that.

Councilman McGrath thanked the Planning Department for the changes in the presentations of individual projects and how they integrate into the surrounding areas. He also reminded people that there is an election, and early voting has already started so go vote. He also spent some time at the landfill with Mr. Robertson. The foam is not working so they are stopping that program. They are investigating an environmentally based program that predicts where the odor will go. They are putting in an air quality test, hopefully by summer.

Mayor Sears said that early voting at the Hunt Center is easy, and reminded people that if they are unaffiliated, they have to choose which primary to vote in.

## **12. MANAGER'S REPORT**

Randy Harrington, Town Manager, said he had two quick items. The Holly Springs Chamber of Commerce sent notice that Spring Fest April 25 10 to 4pm on Main Street in front of Town Hall. There will be more information on that coming out later.

Second, he is looking forward to the retreat on Friday. The packets are a little behind, but staff will have it to you tomorrow. The entire packet will be electronic this year.

**13. Closed Session:** The Council entered into closed session, pursuant to N.C.G.S. 143-318.11(a)(6) to discuss the evaluation of the Town Clerk and the Town Attorney, and to discuss the litigation matter *Colony Insurance et al. vs. Town of Holly Springs et al.* pursuant to N.C.G.S. 143-381.11(a)(3).

**Motion by:** Berry



**Second by:** McGrath

**Vote:** Unanimous

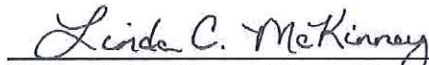
The Council received an update from the Town Attorney on *Colony Insurance et al. vs. Town of Holly Springs et al.* Motion was made by Councilman Villadsen to seal the minutes, seconded by Councilwoman Kelly and passed with a unanimous vote.

The Council discussed the evaluation of the Town Attorney.

Taking no further action, Councilman McGrath made a motion to return to open session, which was seconded by Councilman Villadsen and passed with a unanimous vote.

**14. Adjournment:** Councilman Berry made a motion to adjourn at 11:30 pm. It was seconded by Councilman McGrath and passed with a unanimous vote.

Respectfully Submitted on Tuesday, March 3, 2020.

  
\_\_\_\_\_  
Linda C. McKinney, Town Clerk

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





Holly Springs Town Council  
7 p.m. Tuesday **February 18, 2020**

Regular meeting  
Holly Springs Town Hall Council Chambers  
128 S. Main Street, 2<sup>nd</sup> Floor

## **Agenda**

1. Call to Order
2. and 3. Pledge of Allegiance and Invocation
4. Adjustment and approval of the February 18, 2020 meeting agenda

**5. PUBLIC COMMENT PERIOD:** Notes on the Comment Period -- Each speaker may speak up to **3 minutes**, and the total comment period will be 15 minutes or less. Citizens should sign up with the Town Clerk to speak prior to the start of the meeting. Although the Council is interested in hearing your concerns, speakers should not expect Council action or deliberation on subject matter brought up during the Public Comment segment. Topics requiring further investigation will be referred to the appropriate town officials or staff and may be scheduled for a future agenda. Thank you for your consideration of the Town Council, staff, and other speakers.

### **6. RECOGNITIONS**

- a. Oath of Office – Deputy Town Clerk, Kathy White

### **7. REQUESTS AND COMMUNICATIONS**

- a. NC DOT I-540 Update

### **8. PUBLIC HEARINGS**

- a. Annexation A19-05 Oasis Church
- b. Oasis Church Development Plan 19-DP-08 and Special Exception Use 19-SEU-05
- c. 19-DO-01 204 Holly Springs Road

### **9. CONSENT AGENDA:**

- a. Approve the minutes of February 4<sup>th</sup> business meeting and February 11<sup>th</sup> workshop meeting.
- b. Receive report of monthly administrative budget amendments
- c. Budget Amendment – Holly Springs Police Department, Community Grant
- d. Property Transfer of 0.3 acres for I-540
- e. Approve contract for Cass Holt Rd. Co-trench Fiber Installation

### **10. NEW BUSINESS:**

- a. South Wake Landfill Malodor Resolution
- b. 19-MAS-03 Carolina Springs Architectural Master Plan
- c. Arbor Creek – Middle Creek Greenway Extension Contract

### **11. OTHER BUSINESS:**

### **12. MANAGER'S REPORT.**

**13. CLOSED SESSION.** – If one is called, the General Statute(s) allowing the Closed Session will be cited in the motion.

### **14. ADJOURNMENT.**

In accordance with ADA regulations please contact the Town Clerk's office at least 48 hours before the meeting to request an auxiliary aid or service needed to participate in this meeting:  
linda.mckinney@hollyspringsnc.us 919-557-3900



# Budget Amendments Report

From Date: 1/1/2020 - To Date: 1/31/2020

Account	G/L Date	Journal	Description	Increases	Decreases	Amended Balance
Fund: 10 General Fund						
320.13 - Development Fees TIA Fees						
	01/22/2020	2020-00003527	Engineering Review fees	\$33,000.00	\$0.00	\$23,000.00
				\$33,000.00	\$0.00	\$56,000.00
						\$56,000.00
340.05 - Other Revenues Private Contributions						
	01/22/2020	2020-00003528	Public Works - Arbor Creek	\$3,000.00	\$0.00	\$0.00
				\$3,000.00	\$0.00	\$3,000.00
						\$3,000.00
Department: 411 Communications & Marketing						
12.05 - Professional & Technical Service Contract Services						
	01/30/2020	2020-00003669	Communications Public Input	\$2,375.00	\$0.00	\$49,502.00
				\$2,375.00	\$0.00	\$51,877.00
						\$51,877.00
62.04 - Supplies Department						
	01/30/2020	2020-00003669	Communications Public Input	\$0.00	\$2,375.00	\$19,129.00
				\$0.00	\$2,375.00	\$16,754.00
				\$2,375.00	\$2,375.00	
Department: 411 Communications & Marketing Totals:						
Department: 412 Administration						
Sub Department: 14 Town Clerk						
62.04 - Supplies Department						
	01/15/2020	2020-00003425	Town Clerk - Election Costs	\$0.00	\$357.00	\$17,650.00
				\$0.00	\$357.00	\$17,293.00
						\$17,293.00
82.05 - Miscellaneous Christmas Parade/Decorations						
	01/15/2020	2020-00003425	Town Clerk - Election Costs	\$0.00	\$1,000.00	\$1,000.00
				\$0.00	\$1,000.00	\$0.00
						\$0.00
82.06 - Miscellaneous Election Costs						
	01/15/2020	2020-00003425	Town Clerk - Election Costs	\$1,357.00	\$0.00	\$31,000.00
				\$1,357.00	\$0.00	\$32,357.00
				\$1,357.00	\$1,357.00	
				\$1,357.00	\$1,357.00	
Sub Department: 14 Town Clerk Totals:						
Department: 412 Administration Totals:						



# Budget Amendments Report

From Date: 1/1/2020 - To Date: 1/31/2020

Account	G/L Date	Journal	Description	Increases	Decreases	Amended Balance
Fund: 10 General Fund						
Department: 414 Information Technology						
12.05 - Professional & Technical Service Contract Services						
	01/16/2020	2020-00003448	IT Contract Services adjustment	\$33,500.00	\$0.00	\$116,800.00
				\$33,500.00	\$0.00	\$150,300.00
						\$150,300.00
Amended Balance as of: 1/1/2020						
46.01 - Rental & Lease Equipment						
	01/16/2020	2020-00003448	IT Contract Services adjustment	\$0.00	\$3,500.00	\$30,000.00
				\$0.00	\$3,500.00	\$26,500.00
						\$26,500.00
Amended Balance as of: 1/1/2020						
62.06 - Supplies Computer & Software						
	01/16/2020	2020-00003448	IT Contract Services adjustment	\$0.00	\$30,000.00	\$534,738.00
				\$0.00	\$30,000.00	\$504,738.00
				\$33,500.00	\$33,500.00	\$504,738.00
Amended Balance as of: 1/1/2020						
Department: 414 Information Technology Totals:						
Department: 416 Economic Development						
12.05 - Professional & Technical Service Contract Services						
	01/22/2020	2020-00003526	Pimiento DDI Amendment	\$10,000.00	\$0.00	\$23,000.00
				\$10,000.00	\$0.00	\$33,000.00
						\$33,000.00
Amended Balance as of: 1/1/2020						
90.01 - Capital Outlay Equipment						
	01/22/2020	2020-00003526	Pimiento DDI Amendment	\$0.00	\$10,000.00	\$25,000.00
				\$0.00	\$10,000.00	\$15,000.00
				\$10,000.00	\$10,000.00	\$15,000.00
Amended Balance as of: 1/1/2020						
Department: 416 Economic Development Totals:						
Department: 417 Planning & Zoning						
12.03 - Professional & Technical Service Consultant Fees						
	01/31/2020	2020-00003677	Planning - Public Input	\$0.00	\$2,375.00	\$100,000.00
				\$0.00	\$2,375.00	\$97,625.00
Amended Balance as of: 1/1/2020						
12.05 - Professional & Technical Service Contract Services						
	01/31/2020	2020-00003677	Planning - Public Input	\$2,375.00	\$0.00	\$21,500.00
				\$2,375.00	\$0.00	\$23,875.00
						\$23,875.00



# Budget Amendments Report

From Date: 1/1/2020 - To Date: 1/31/2020

Account	G/L Date	Journal	Description	Increases	Decreases	Amended Balance
Fund: 10 General Fund						
Department: 417 Planning & Zoning						
12.07 - Professional & Technical Service Advertising						
	01/16/2020	2020-00003447	Planning land use plan	\$2,500.00	\$0.00	\$3,250.00
				\$2,500.00	\$0.00	\$5,750.00
						\$5,750.00
12.08 - Professional & Technical Service Printing						
	01/16/2020	2020-00003447	Planning land use plan	\$0.00	\$2,500.00	\$13,100.00
				\$0.00	\$2,500.00	\$10,600.00
						\$10,600.00
41.02 - Maintenance & Repair Vehicles						
	01/27/2020	2020-00003606	Planning Dues and Subs	\$0.00	\$500.00	\$1,500.00
				\$0.00	\$500.00	\$1,000.00
						\$1,000.00
62.02 - Supplies Dues & Subscriptions						
	01/27/2020	2020-00003606	Planning Dues and Subs	\$500.00	\$0.00	\$3,085.00
				\$500.00	\$0.00	\$3,585.00
				\$5,375.00	\$5,375.00	
Department: 417 Planning & Zoning Totals:						
Department: 422 Public Works						
Sub Department: 22 Streets						
62.04 - Supplies Department						
	01/22/2020	2020-00003528	Public Works - Arbor Creek	\$3,000.00	\$0.00	\$15,000.00
				\$3,000.00	\$0.00	\$18,000.00
				\$3,000.00	\$0.00	\$18,000.00
				\$3,000.00	\$0.00	\$18,000.00
Sub Department: 22 Streets Totals:						
Department: 422 Public Works Totals:						



# Budget Amendments Report

From Date: 1/1/2020 - To Date: 1/31/2020

Account	G/L Date	Journal	Description	Increases	Decreases	Amended Balance
Fund: 10 General Fund						
Department: 425 Parks & Recreation						
Sub Department: 29 Athletics						
46.03 - Rental & Lease Buildings						
	01/30/2020	2020-00003663	Athletics - basketball	\$0.00	\$2,000.00	\$50,000.00
				\$0.00	\$2,000.00	\$48,000.00
						\$48,000.00
Amended Balance as of: 1/1/2020						
56.02 - Athletic Programs Basketball						
	01/30/2020	2020-00003663	Athletics - basketball	\$2,000.00	\$0.00	\$20,000.00
				\$2,000.00	\$0.00	\$22,000.00
				\$2,000.00	\$2,000.00	\$22,000.00
				\$2,000.00	\$2,000.00	\$22,000.00
Sub Department: 29 Athletics Totals:						
Department: 425 Parks & Recreation Totals:						
Department: 432 Engineering						
12.09 - Professional & Technical Service Development Review						
	01/22/2020	2020-00003527	Engineering Review fees	\$33,000.00	\$0.00	\$20,000.00
				\$33,000.00	\$0.00	\$53,000.00
				\$33,000.00	\$0.00	\$53,000.00
Department: 432 Engineering Totals:						
Fund Totals: General Fund						
Fund: 30 Utility Fund						
320.07 - Development Fees Development Review Fee						
	01/22/2020	2020-00003527	Engineering Review fees	\$40,000.00	\$0.00	\$50,300.00
				\$40,000.00	\$0.00	\$90,300.00
						\$90,300.00
Department: 413 Finance						
Sub Department: 32 Utility Billing						
12.05 - Professional & Technical Service Contract Services						
	01/09/2020	2020-00003309	Contract services for utility billing	\$3,950.00	\$0.00	\$13,000.00
				\$3,950.00	\$0.00	\$16,950.00
						\$16,950.00
Amended Balance as of: 1/1/2020						
41.01 - Maintenance & Repair Equipment						
	01/09/2020	2020-00003309	Contract services for utility billing	\$0.00	\$500.00	\$1,000.00
				\$0.00	\$500.00	\$500.00
						\$500.00



Town of Holly Springs  
**Budget Amendments Report**  
From Date: 1/1/2020 - To Date: 1/31/2020

Account	G/L Date	Journal	Description	Increases	Decreases	Amended Balance
<b>Fund: 30 Utility Fund</b>						
Department: 413 Finance						
Sub Department: 32 Utility Billing						
62.01 - Supplies Postage						
	01/09/2020	2020-00003309	Contract services for utility billing	\$0.00	\$2,700.00	\$60,500.00
				\$0.00	\$2,700.00	\$57,800.00
						\$57,800.00
Amended Balance as of: 1/1/2020						
<b>62.03 - Supplies Office</b>						
	01/09/2020	2020-00003309	Contract services for utility billing	\$0.00	\$750.00	\$1,500.00
				\$0.00	\$750.00	\$750.00
				\$3,950.00	\$3,950.00	
				\$3,950.00	\$3,950.00	
Sub Department: 32 Utility Billing Totals:						
Department: 413 Finance Totals:						
Department: 432 Engineering						
12.09 - Professional & Technical Service Development Review						
	01/22/2020	2020-00003527	Engineering Review fees	\$40,000.00	\$0.00	\$40,000.00
				\$40,000.00	\$0.00	\$80,000.00
				\$40,000.00	\$0.00	\$80,000.00
Department: 432 Engineering Totals:						
<b>Fund Totals: Utility Fund</b>						
Fund: 31 Stormwater Mgmt Program Fund						
355.27 - Other Financing Sources Operating Tsfr Stormwater Reserv						
	01/08/2020	2020-00003261	Stormwater Utility Fee Analysis	\$98,565.00	\$0.00	\$0.00
				\$98,565.00	\$0.00	\$98,565.00
Amended Balance as of: 1/1/2020						
Department: 432 Engineering						
12.01 - Professional & Technical Service Professional Fees						
	01/08/2020	2020-00003261	Stormwater Utility Fee Analysis	\$98,565.00	\$0.00	\$105,000.00
				\$98,565.00	\$0.00	\$203,565.00
				\$98,565.00	\$0.00	\$203,565.00
Department: 432 Engineering Totals:						
<b>Fund Totals: Stormwater Mgmt Program Fund</b>						
				\$197,130.00	\$0.00	\$0.00
<b>Grand Totals:</b>						
				\$407,687.00	\$58,557.00	





## Town of Holly Springs Budget Amendment Request

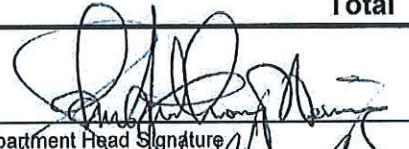
Department: Police

Date Submitted: 1/30/2020

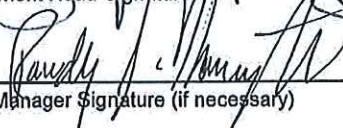
Reason for Budget Amendment: Acceptance of Community Grant ice Vehicle

(round to nearest \$25, \$50, \$75 or \$100; no cents)

Account Description	Account #	Increase	Decrease
Supplies Crime Prevention	10-418-18 62.14	3,500	
Public Safety Revenues/	10 318.03	3,500	
Misc. Revenues			
<b>Total</b>			

  
Department Head Signature

  
Finance Director Signature

  
Town Manager Signature (if necessary)

\_\_\_\_\_  
Council Approved/Notified (if necessary)

Budget amendments under \$15,000, between departments, or reallocating funds from Capital Outlay or Salaries/Benefits must be approved by the Town Manager before submitting to Finance. Notified to Town Council at next meeting. Budget amendments that increase the overall budget need the Town Manager's signature and Council approval. Budget amendments \$15,000 and over need the Town Manager's signature and Council approval.





THE TOWN OF

# Holly Springs

Annexation Ordinance No.: **A19-05**

**Please mail after recordation to:**

Town of Holly Springs  
Town Clerk's Office  
P. O. Box 8  
Holly Springs, NC 27540

**An Ordinance to Extend the Corporate Limits  
of the Town of Holly Springs, North Carolina**

**WHEREAS**, the Town Council of the Town of Holly Springs has been petitioned pursuant to the provisions of N.C.G.S. 160A-31 to annex the area described herein; and

**WHEREAS**, the Town Council of the Town of Holly Springs has directed the Town Clerk to investigate the sufficiency of the petition for annexation; and

**WHEREAS**, following the certification of the sufficiency of the petition by the Town Clerk, the Town Council fixed a date for a public hearing on the question of annexation and caused a notice thereof to be published in a paper of general circulation in the Town of Holly Springs once ten days prior to the date of the hearing; and

**WHEREAS**, the Town Council found as a fact following public hearing on the matter that the petition for annexation is sufficient and meets all of the requirements set forth in N.C.G.S. 160A-31;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF HOLLY SPRINGS, NORTH CAROLINA:**

**Section 1.** By virtue of the authority granted by N.C.G.S. 160A-31, the following described territory is hereby annexed and made part of the Town of Holly Springs effective as of the 18<sup>th</sup> day of February 2020.

**Legal Description for Voluntary Annexation**

Being 8.30 +/- acres, to be annexed by the Town of Holly Springs, North Carolina and being more particularly described as follows:

All that certain parcel of land being situated in Holly Springs Township, Wake County, North Carolina, being known as PIN# 0648757407 and being more particularly described as follows:

Office of the Mayor

128 S. Main Street • P.O. Box 8 • Holly Springs, NC 27540 • (919) 557-3901  
dick.sears@hollyspringsnc.us • www.hollyspringsnc.us

BEGINNING AT A CAPPED IRON PIN ON THE SOUTHERLY RIGHT OF WAY LINE OF RALPH STEPHENS ROAD (NCSR #1114 – VARIABLE WIDTH RIGHT OF WAY); BEING THE NORTHEAST CORNER OF THE SUBJECT PARCEL AND THE NORTHWEST CORNER OF LANDS NOW OR FORMERLY OWNED BY SOUTHERN CROSSROADS, INC (DB 16615 PG 375);

THENCE S 00° 33' 41" E, ON THE WEST LINE OF SAID LANDS OWNED BY SOUTHERN CROSSROADS, INC. A DISTANCE OF 766.90 FEET TO A CAPPED IRON PIN ON THE NORTHWESTERLY LINE OF PINEY GROVE WILBON ROAD (SR #1101 – VARIABLE WIDTH RIGHT OF WAY);

THENCE ON A CURVE TO THE RIGHT ON THE SAID NORTHWESTERLY LINE OF PINEY GROVE WILBON ROAD, AN ARC DISTANCE OF 12.31 FEET TO A CAPPED IRON PIN TO THE EASTERLY CORNER OF LANDS NOW OR FORMERLY OWNED BY BRAYTON PARK LLC (DB 8202 PG 1702); SAID CURVE HAVING A RADIUS OF 1145.50 FEET AND A CHORD BEARING S 33° 37' 43" W FOR A DISTANCE OF 12.31 FEET;

THENCE N 46° 52' 03" W, ON THE NORTHEAST LINE OF SAID LANDS OWNED BY BRAYTON PARK LLC, A DISTANCE OF 847.20 FEET TO THE EAST LINE OF CASTAWAY COURT (VARIABLE WIDTH RIGHT OF WAY);

THENCE N 11° 11' 44" W, ON THE EAST LINE OF CASTAWAY COURT, A DISTANCE OF 122.96 FEET TO A POINT;

THENCE N 09° 32' 37" W, CONTINUING ON THE EAST LINE OF CASTAWAY COURT, A DISTANCE OF 11.92 FEET TO A POINT;

THENCE CONTINUING ON THE EAST LINE OF CASTAWAY COURT ON A CURVE TO THE RIGHT AN ARC DISTANCE OF 187.20 FEET TO A FOUND IRON PIPE AT THE SOUTHWEST CORNER OF LANDS NOW OR FORMERLY OWNED BY CLAYTON PROPERTIES GROUP INC (DB 17388 PG 1134); SAID CURVE HAVING A RADIUS OF 448.00 FEET AND A CHORD BEARING N 01° 46' 20" E A DISTANCE OF 185.84 FEET;

THENCE N 80° 48' 11" E, ON THE SOUTH LINE OF SAID LANDS OWNED BY CLAYTON PROPERTIES GROUP INC., A DISTANCE OF 190.25 FEET TO A FOUND IRON PIPE ON THE SOUTH LINE OF RALPH STEPHENS ROAD;

THENCE ON THE SOUTH LINE OF RALPH STEPHENS ROAD, ON A CURVE TO THE LEFT, AN ARC DISTANCE OF 234.45 FEET TO A POINT; SAID CURVE HAVING A RADIUS OF 890.00 FEET AND A CHORD BEARING S 66° 04' 51" E A DISTANCE OF 233.78 FEET;

THENCE S 74° 38' 19" E, CONTINUING ON THE SOUTH LINE OF RALPH STEPHENS ROAD, A DISTANCE OF 31.41 TO A POINT;

THENCE S 76° 34' 57" E, CONTINUING ON THE SOUTH LINE OF RALPH STEPHENS ROAD, A DISTANCE OF 28.97 TO A POINT;

THENCE S 77° 30' 54" E, CONTINUING ON THE SOUTH LINE OF RALPH STEPHENS ROAD, A DISTANCE OF 172.08 TO A CONCRETE MONUMENT;

THENCE S 69° 32' 37" E, CONTINUING ON THE SOUTH LINE OF RALPH STEPHENS ROAD, A DISTANCE OF 10.34 TO THE POINT OF BEGINNING.

CONTAINING 361,439 SQUARE FEET MORE OR LESS. (8.30 ACRES)

Adopted this, the 18<sup>th</sup> day of February, 2020.

ATTEST TO:

  
Linda C. McKinney, Town Clerk

  
Dick Sears, Mayor



Office of the Mayor

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I, Linda C. McKinney, town clerk of the Town of Holly Springs, do hereby certify that the foregoing is a true and accurate copy of an annexation ordinance duly adopted by the Town Council of the Town of Holly Springs, North Carolina, at a meeting held February 18, 2020, at 7 o'clock p.m. at the Town Hall in the Town of Holly Springs.

**IN WITNESS WHEREOF**, I have here unto set my hand and have caused the official corporate seal of said Town to be affixed, this the 18<sup>th</sup> day of February, 2020.

  
Linda C. McKinney, Town Clerk

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THE TOWN OF

# Holly Springs

**Resolution No.:** 20-04

**Date Adopted:** February 18, 2020

**Effective Date:** February 18, 2020

## RESOLUTION OF THE TOWN OF HOLLY SPRINGS TOWN COUNCIL MALODOR MITIGATION REQUESTS FOR THE SOUTH WAKE LANDFILL

**WHEREAS**, the South Wake Landfill opened in February 2008 with an expected life cycle closure between 2038-2040.

**WHEREAS**, it is estimated that 500,000 tons of municipal solid waste plus household hazardous waste, electronics and other special waste are disposed at this 179-acre facility annually.

**WHEREAS**, the Town understands that open working face malodors and landfill gas odors can occur occasionally in the operation of a landfill, but the frequency and intensity of malodors has become excessive and detrimental to the enjoyment and well-being of the Holly Springs community. Malodors are experienced well beyond a ½ mile radius of the landfill.

**WHEREAS**, recent initiatives by GFL Environmental and Wake County to minimize odor frequency and intensity and simplify resident odor reporting are appreciated, but the odor mitigation efforts have been ineffective and a promised odor reporting mobile app has yet to be fulfilled.

**WHEREAS**, the close proximity of the landfill to one of the County's fastest growing communities requires a unique level of management, oversight, and innovative operational practices to address odor concerns.

**WHEREAS**, the Holly Springs Town Council last year approved a \$5 million infrastructure investment to effectively eliminate any occasional wastewater odors attributable to the Utleigh Creek Wastewater Reclamation Plant in Holly Springs.

**THEREFORE, BE IT RESOLVED** by the Town Council that we request that Wake County – with GFL Environmental – promptly undertake the following actions:

- 1) Initiate a landfill waste plan update to assess alternate waste disposal/elimination methods, including exploration of early landfill closure options, alternate disposal site(s) for the region's solid waste, and waste to energy;
- 2) Increase near-term efforts and investments to identify innovative landfill management practices and equipment that will significantly reduce malodors;
- 3) Include funding for landfill odor mitigation as one of your top priorities in the upcoming FY 2020/21 budget;
- 4) Complete the promised odor reporting and resident engagement mobile app; and

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- 5) Increase community engagement with our residents – including meetings to share information and hear directly from residents plus a commitment to monthly communications with residents and the Town on the efforts and results in mitigating landfill malodors.
- 6) Furthermore, the Town desires to be a strong collaborator with the County to produce a positive impact in our community and the south Wake County area.

Adopted by the Holly Springs Town Council on this, the 18<sup>th</sup> day of February, 2020.

Town of Holly Springs by



Dick Sears, Mayor

ATTEST:



Linda McKinney, Town Clerk



*Office of the Mayor*

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THE TOWN OF

# Holly Springs

Resolution No.: 20-03

Date Adopted: February 18, 2020

Effective Date: February 18, 2020

**RESOLUTION OF THE TOWN OF HOLLY SPRINGS TOWN COUNCIL  
MAKING FINDINGS OF FACT FOR  
SPECIAL EXCEPTION USE (19-SEU-05); &  
VARIANCE OF DEVELOPMENT STANDARDS (19-VARTC-01);  
IN ASSOCIATION WITH DEVELOPMENT PETITION 19-DP-08 FOR  
OASIS CHURCH**

**WHEREAS**, the Town of Holly Springs Town Council adopted *Town of Holly Springs Unified Development Ordinance* ("UDO") in November 2002; and

**WHEREAS**, pursuant to NCGS §§160A-361 & 388 and the UDO, the town council of Holly Springs ("Town Council") has the authority to grant special exception uses, variances, and waivers if competent and substantial evidence is presented by the Petitioner which allows the Town Council to find as a fact that conditions either currently exist or may exist after implementation of conditions by the Town Council. Such findings are each of the following:

Special Exception Use Findings of Fact:

A special exception use may only be granted upon the presentation of sufficient evidence to enable a written determination that:

- a. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
- b. The proposed use will not injure or adversely affect the adjacent area;
- c. The proposed use will be consistent with the character of the district, land uses authorized therein, and the Town of Holly Springs Comprehensive Plan;
- d. The proposed use shall conform to all development standards of the applicable district (unless a waiver of such development standards is requested as part of the special exception use petition and approved as set forth above, in which case the proposed use shall conform to the terms and conditions of such waiver).
- e. Access drives or driveways are or will be sufficient in size and properly located to: ensure automotive and pedestrian safety and convenience, traffic flow as set forth in Section 7.09 – Pedestrian Circulation and Vehicular Area Design; and, control and access in case of fire or other emergency;
- f. Off-street parking areas, off-street loading areas, trash enclosures, trash pick-up and removal, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties and properties in the general neighborhood;
- g. The lot, building or structure proposed for the use has adequate restroom facilities, cooking facilities, safety equipment (smoke alarms, floatation devices, etc.), or any

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- other service or equipment necessary to provide for the needs of those persons whom may work at, visit or own property nearby to the proposed use;
- h. Utilities, schools, fire, police and other necessary public and private facilities and services will be adequate to handle the needs of the proposed use;
  - i. The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts; and,
  - j. The type, size, and intensity of the proposed use (including but not limited to such considerations as the hours of operation and numbers of people who are likely to utilize or be attracted to the use) will not have significant adverse impacts on adjoining properties or the neighborhood.

Variance Findings of Fact:

A *variance* may be granted by the Board if competent and substantial evidence is presented by the applicant which persuades the Board to either reach each of the following conclusions independently or be reasonably able to meet these conclusions upon implementation of conditions by the Board:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

**WHEREAS**, the Town Council has heard sworn testimony and has accepted and entered the Petitioner's written findings of fact into the minutes (Exhibit A) and have received site plans and elevations depicting the requested WAIVERS (Exhibit B) for the following requested Special Exception Uses, Variance of Development Standards, & Waivers:

Special Exception Use

1. 19-SEU-05: Request to allow for a Special Exception Use as specified in Unified Development Ordinance Section 2.01 R-30 Residential District and R-MF-8: Multifamily Residential District to allow for a Religious Use at the property located at 1828 Ralph Stephens Rd, Wake County PIN 0648757407.

Variance

1. Request to allow for a Variance of Regulations of UDO Section 2.01 B. 5. A. R-30 Residential District Yards and Building Setbacks and Section 7.06 Buffer Area to allow a reduction in the minimum thoroughfare yard and buffer area from 50 feet to 20 feet in association with Development Plan Petition #19-DP-08.

**WHEREAS**, the Town Council has received competent and substantial evidence and has therefore found the Petitioner's written findings of fact. The Town Council finds that the Petitioner's findings of fact to be consistent with the public testimony received on the requested Special Exception Uses, Variance of Development Standards, & Waivers, and therefore the Town Council is able to reach conclusions independently (Exhibit C) or be reasonably able to meet the conclusions on the Findings of Fact upon implementation of conditions listed on Exhibit D to this Resolution.

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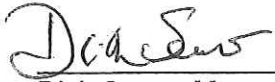
Email: [dick.sears@hollyspringsnc.us](mailto:dick.sears@hollyspringsnc.us)

**THEREFORE, BE IT RESOLVED** by the Town Council to make and accept the Findings of Fact for Special Exception Use (19-SEU-05); and Variance of Development Standards (19-VARTC-01); as submitted by The Spaulding Group.

**Adopted by the Holly Springs Town Council on this, the 18<sup>th</sup> day of February 2020.**

**Town of Holly Springs by**

**ATTEST:**

  
\_\_\_\_\_  
Dick Sears, Mayor

  
\_\_\_\_\_  
Linda McKinney, Town Clerk



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