



Holly Springs Town Council
7:00 PM **Tuesday, November 17, 2020**

Regular Meeting
Holly Springs Town Hall Council Chambers
128 S. Main Street, 2nd Floor

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, November 17, 2020 in person and via video conferencing. 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 in the Chamber as the meeting opened.

Council Members Present physically: Mayor Sears, Mayor Pro Tem Dan Berry, Councilmen Peter Villadsen, and Aaron Wolff, and Councilwoman Christine Kelly.

Council Member listening via Zoom: Councilman McGrath.

Staff Members Present in Chambers: 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); Cassie Hack, *Director Communications and Marketing*; Mark Andrews, *Communication and Marketing*; Jeff Wilson, *Director, IT*; Mathew Mutter, *IT*; Kathy White, *Deputy Town Clerk*; Melissa Sigmund, *Development Services*; Elizabeth Goodson, *Development Services*; Sean Ryan, *Development Services*; Rachel Jones, *Development Services*; Cheryl Caines, *Development Services*; Caleb Allred, *Development Services*; Bronwyn Bishop, *Development Services*; Matt Beard, *Parks and Recreation*; Emmily Tiampati, *Development Services*.

2. and 3. The Pledge of Allegiance was recited followed by an invocation by Mark Salovdi, Community Outreach Specialist, of the Church of Jesus Christ of Latter-Day Saints.

4. Agenda Adjustment: The November 17, 2020 meeting agenda was adopted with changes, if any, as listed: none.

Motion: Berry

Second: Wolff

Vote: Unanimous

Public Comment: Public Comment was requested in writing prior to the meeting. The following number of comments was received and provided to the Council prior to the meeting: one comment in opposition to the cross-access easement in the Development Plan for Village Gate Tract 3.

Public Hearings

5. Voluntary Annexation A20-03, Oakview Innovation

Melissa Sigmund, Development Services, said that a petition had been received for annexation of 196.57 +/- acres in the vicinity of Green Oaks Parkway and Holly Springs New Hill Road. This is the site that Council rezoned at their last meeting. Annexation is requested as part of the plans to develop the property. The property is owned by Helix Ventures, LLC, ABCZ Properties LLC, Joyce Scott Lucas, and Duke Energy Progress, Inc.

Mayor Sears opened the public hearing and the following input was received: none.

Mayor Sears closed the public hearing.

Action: Motion to adopt Annexation Ordinance A20-03, annexing 196.57 +/- acres owned by Helix Ventures, LLC, ABCZ Properties LLC, Joyce Scott Lucas, and Duke Energy Progress, Inc.

Moved by: Berry

Second by: Kelly

Vote: Unanimous

A copy of Annexation Ordinance A20-03 is attached to these minutes.

6. Voluntary Annexation A20-05, Village Gate

Melissa Sigmund, Development Services, said that a petition had been received for annexation of 18.28 +/- acres located on S. Main Street near Ralph Stephens Rd. and Piney Grove Wilbon Road. Annexation is requested as part of the development of the Village Gate project. The property is owned by Elizabeth Y. Barnes, Patsy Y. Edwards, Randy White, Roseann White, Suzanne T. Moore, Eli Zablud, Danny Vuncannon and Kimbrette Y. Vuncannon.

Mayor Sears opened the public hearing and the following input was received: none. Mayor Sears closed the public hearing.

Action: Motion to adopt Annexation Ordinance A20-05, annexing 18.28 +/- acres, owned by Elizabeth Y. Barnes and Patsy Y. Edwards, Randy White and Roseann White, Suzanne T. Moore and Eli Zablud, and Danny Vuncannon and Kimbrette Y. Vuncannon.

Moved by: Villadsen

Second by: Kelly

Vote: Unanimous

A copy of Annexation Ordinance A20-05 is attached to these minutes.

7. Village Gate Master Plan & Special Exception Use

Sean Ryan, Development Services, said the purpose of this agenda item is to hold a quasi-judicial hearing on the Village Gate Master Plan and Special Exception Use, Variances, and Waivers. He said that Council approved the Development Agreement in June, 2020, and rezoned the property to CB Community Business at that same meeting. The detailed Master Plan and SEU, Mixed-Use Option is for 93,000 square feet of non-residential uses, 344,144 square feet of residential uses (350 units, or 17.32 units per acre) and 16,360 square feet of educational uses. The site-specific development plans will be presented later in this meeting.

The applicant is requesting four variances:

20-VARTC-07 reducing the minimum side and rear bufferyard on Tract 1;

20-VARTC-08 reducing the minimum Plant Unit Value for thoroughfare yards;

20-VARTC-09 reducing the minimum Plant Unit Value for bufferyards on Tracts 1 and 2; and

20-VARTC-10 reducing the minimum off-street loading dimensions on Tract 3.

The applicant is also requesting a Waiver to allow alternate compliance for Tree Preservation Area Priority. The applicants' presentation will go into further detail on these Variances and Waiver.

Mr. Ryan showed that the area is designated Mixed Use Center on the Land Use and Character Plan, and is zoned CB Community Business: conditional use.

Rachel Jones, Development Services, said that seven intersections were studied as part of the TIA associated with the rezoning. A Fee-in-lieu will be paid for the area of Hwy 55 between Avent Ferry and Main Street. A through-right turn lane would be required at Ralph Stephens Road and Piney Grove Wilbon, as well as a signal improvement. She showed the access points off of Main Street and Ralph Stephens Road, and where secondary emergency access points would be for tracts 1 and 3, and sidewalk connection to the Stephens Tract, per the Developer Agreement.

Ms. Jones said the project would connect to existing water main on S. Main Street, and would connect to gravity sewer to be constructed with the Stephens Tract Townhomes. There is an

offsite easement to connect to an existing manhole on Piney Grove Wilbon Rd. An existing 12" water main, within the old Ralph Stephens right-of-way will be relocated to the current road right-of-way location.

Matt Beard, Parks and Recreation, said that design was underway for the off-site greenway. He showed where it would lie along Piney Grove Wilbon. The Developer will pay for most of the greenway, with the Town covering the remainder through fee waivers. Mr. Beard said construction would be completed before the Solaris building can receive its Certificate of Occupancy. There will be approximately 2500 feet of Greenway.

MPT Berry asked about the boardwalk over the wetlands. Mr. Beard said that they were trying to locate the greenway so that it would not have to be moved if the road were widened in the future.

Mark Stuckey of the Planning Board said there were discussions about anticipated traffic and road improvements. There were discussions about mixed-use options, required street scape, waivers and tree preservation requirements. that the Planning Board recommended approval with a vote of 6-2-1 at their October 27, 2020 meeting. Those voting against were Mr. Crandall, and Mr. Stuckey who both felt more details were needed.

Mayor Sears opened the public hearing and the following input was received:

Laura Holleman, project planner for Village Gate, McAdams Company, said that they are creating something that Holly Springs has never seen, with senior housing, medical offices, ground floor commercial, a state-of-the-art preschool, and public amenities.

Chris Rurkowski, TMTLA Associates, said that completing these as one project will complete the commercial area on South Main Street. They want to blend with the existing street scape. He said the greenway extension of 2500 feet to the corner, with a marker that people are entering Holly Springs.

Due to the shape and geography of the project they are requesting a waiver of the Tree Preservation Area Priority. He said they have an innovative solution for tree preservation. It still provides 10% and meets the other requirements, but there are a number of offsite connections that prohibits a continuous tree area. This allows for a more urban style of development with the buildings along the street, helping to transition from the intensity along Main Street with the more natural corridors along the back.

He outlined the four variances requested.

1. Bufferyard width reduction on Tracts 1 and 2 from 20 feet to 5 feet along the west boundary. There are pinch points along this boundary because of the width of the property. There is an outlet from the Hampton Inn where 20 feet cannot be provided. There is also a point along Ralph Stephens Road where there is not enough land to provide 20 feet. Using the planned landscaping will provide the same screening.
2. Bufferyard Plant Unit Value reduction from C-150 to C-55
3. Front yard buffer reduction from A-75 to Street Trees and Crepe Myrtles to match thoroughfare plantings. This keeps the established character of the street frontage and continues to build on a pedestrian friendly streetscape. It gives them the flexibility to locate trees away from existing utilities along the street front.
4. Loading space width reduction from 12 feet to 9 feet on Tract 3. The loading space will sufficiently accommodate any loading needs of the building along with the parking under the building.

He said he was excited to move forward with the project.

Councilwoman Kelly asked if the 10% tree preservation would be across all three tracts or was one tract more heavily treed than the others. Mr. Rurkowski said that each Tract is close to 10% on its own and Tract 2 which is slightly under, is made up across the other tracts.

Mayor Sears closed the public hearing.

MPT Berry asked the Town Attorney to comment on the cross-access question on Tract 3. John Schifano, Town Attorney, said the Town has the authority to require this cross-access easement and it is proper in this case. The Town's Ordinance and the State Fire Code both require it. But the cross-access easement is not a factor in Council's decision on the Variances, for which you need only weigh the evidence on the variances.

Action 1: Motion to adopt Resolution 20-38 to make and accept the Findings of Fact for consideration of and to approve SEU, Variances, and Waivers.

A copy of Resolution 20-38 is attached to these minutes.

Moved by: Wolff

Second by: Kelly

Vote: Unanimous

Action 2: Motion to approve Village Gate Detailed Master Plan with the conditions as stated in the agenda packet.

Moved by: Villadsen

Second by: Berry

Vote: Unanimous

8. 348 W. Earp Street Special Exception Use 20-SEU-08

Cheryl Caines, Development Services, said the purpose of this item was to consider a request for a Special Exception Use to allow a single-family dwelling in the Village District Area. The lot is at 348 W. Earp Street in the Downtown Village District, and is zoned R-15 Residential. She showed a proposed plot plan and elevation for the home.

Bronwyn Bishop, Development Services, said that a right-of-way dedication across both frontages and a new 5-foot public sidewalk would be built. The home would connect to public water and sewer.

Mark Stuckey, Planning Board, said that Planning Board recommended approval with a vote of 8-0-1.

Mayor Sears opened the public hearing and the following input was received: none.

Mayor Sears closed the public hearing.

Action 1: Motion to adopt Resolution 20-41 to make and accept the Findings of Fact for consideration of and to approve SEU.

Moved by: Villadsen

Second by: Berry

Vote: Unanimous

A copy of Resolution 20-41 is attached to these minutes.

Action 2: Motion to approve Development Plan for 348 W. Earp Street with the conditions stated in the agenda packet.

Moved by: Berry

Second by: Kelly

Vote: Unanimous

9. New Hill Vet Clinic 19-SEU-09

Caleb Allred, Development Services, said that this item was to consider a Special Exception Use and related Development Plan for the New Hill Vet Clinic. The SEU would not be for the entire parcel, located at 3421 New Hill Holleman Road, just south of Friendship Road, near the US 1 interchange. It would be a partial parcel SEU. The site is located across from the Town Yard Waste Transfer Location, which has no utilities and is just a transfer site for yard waste. The land is designated Business and Industrial on the Future Land Use plan, and is zoned R-30 Residential. A vet clinic is a permitted special exception use in R-30 Residential.

Mr. Allred said that the applicant is requesting variances to allow the use of gravel instead of hard surface parking, and to not require a curb and gutter in the parking area. He is also requesting a waiver of powerline relocation and utility connection. Mr. Allred showed the site plan and the landscaping plan. All development standards and requirements are met on this partial parcel. He showed the existing building which will be converted to the clinic, and there would be the addition of a ramp to meet ADA guidelines.

Mark Stuckey, Planning Board, said that the Planning Board recommended approval with a vote of 8 – 0 – 1. The biggest concern with this project, was traffic on New Hill Holleman Road.

Bronwyn Bishop, Development Services, said that there are no Town utilities within 4.5 miles, which is why a Waiver of Annexation was previously approved. She said there would be a right-of-way dedication across the entire property frontage, in accordance with the Comprehensive Transportation Plan along New Hill Holleman Road, and a sewer easement would be provided along the back of the property for future sewer outfall, for long-range planning purposes. She said that the average daily vehicles for this business would be 8 vehicles, so no TIA was required. The driveway and parking meet the design standards.

Councilwoman Kelly asked about the partial parcel designation, how it would be monitored, and if the property owner would have to return to Council for an additional SEU if the vet practice grew. Mr. Allred said a landscape buffer is being provided on the property between the uses. There is no formal fencing, but the landscaping would designate the boundary. If the applicant wants to extend the SEU to another part of the property, they would need to come back for a separate SEU. Staff does have a compliance officer who goes to all commercial locations to make sure they are in compliance. Councilwoman Kelly asked about renovations of the existing building. Mr. Allred said the building is required to come up to commercial code, so it might not show up on the exterior, but the interior will be renovated. Councilwoman Kelly asked about signage and Mr. Allred said the applicant will present a sign plan and staff is working with them.

Councilwoman Kelly asked Town Attorney John Schifano if the Town had done this before and if it was ok. Mr. Schifano said that there is no requirement that zoning has to follow property lines. In this case an SEU is following a portion of the property line. Mr. Allred said that a surveyor went out and drew the partial parcel lines and provided a legal description, so it can be verified where that boundary is.

Councilman Wolff asked if there any concerns with having a handicapped accessible parking spot in a gravel parking lot. Mr. Allred said there is one hard surface parking spot for handicapped parking, next to the ramp.

Mayor Sears opened the public hearing and the following input was received:

Dr. Alex Fisher, 108 Oakmoss Trail, Holly Springs, the applicant, said that he is a graduate from Tuskegee School of Veterinary Medicine in Tuskegee, Alabama and has over 20 years of general medicine and surgery experience. He has been a mobile vet in the Raleigh area since 2006. He bought the land in 2011 and it is currently used as a small farm for crops and livestock. Six and a half of the seven and a half acres will continue to be used as a farm, and one acre would be used for a small animal veterinary clinic. The existing 2,000 square foot building on the property would be used as the clinic. He said the proposed use would maintain the agricultural rural look and therefore would not adversely affect adjacent property values. The proposed use will be consistent with the character and land use of the Town of Holly Springs. He said the clinic would operate Monday – Thursday from 8 am to 6 pm and would primarily serve pet owners and farmers. Water

and sewer would be from a well and septic system regulated by Wake County and the building will be ADA compliant. The property will be accessible through a paved driveway from New Hill Holleman Road, and a sidewalk will be placed from the road to the clinic to allow pedestrian access.

Councilman Wolff asked what besides companion animals would be treated. Dr. Fisher said goats to guinea pigs. Only small trailers, for goats, would come to the clinic. He would go to larger animals. Councilman Wolff asked about any outdoor boarding facilities. Dr. Fisher said he had no plans to board. Dogs get noisy and he wants to keep the noise down.

Dr. Fisher said that the façade of the building – using an existing house has been done before in Holly Springs ETJ, the chiropractor up the street has also done that. It is a way for us to operate without spending as much money. He said he would maintain the look of the house as it is.

Hazel Lee, said she represented herself and her three sisters who own property across from the subject property, at 3504 New Hill Holleman Rd. She thanked Mr. Allred for answering their many questions promptly. She said they did not have adequate time to do the research themselves. In the future she would appreciate notices at least 2 weeks ahead of any hearing affecting 3504 New Hill Holleman Rd. After reviewing the Findings of Fact document, they do not see supporting evidence to defend the answers to the questions on how the clinic will impact the community at large. They want to see supporting documents that support the questions. The soil, water, and vegetation should be tested and monitored. How can they be assured that this clinic will not adversely affect the decision of one sister or an heir to build a single-family residence in the future. She said they are also afraid it will increase their taxes or impact their ability to sell at a fair market value. They are concerned about air quality due to large animal waste. They are concerned about the disposition of dead farm animals. She asked who she should contact to get the supporting documentation on the SEU.

Joseph Theoforus, 8405 Old Bethel Church Lane, spoke against the sewer easement which is part of the SEU. His complete statement is attached to these minutes.

Mayor Sears closed the public hearing.

There was discussion about what the statutory notice was for this hearing, and that it had been met. MPT Berry asked if the sewer easement was required because of the Town's long-range plan. Mr. Schifano said it was, and that it is a paper easement. We will not be taking down any trees or doing any construction.

Councilwoman Kelly asked if, because the neighbors say they have not had enough time, Council was willing to defer this decision, so that there is time for them to get their questions answered. Councilman Wolff said that if staff is convinced that the notices were sent out in time, the applicant has done their due diligence. Mr. Allred said he was confident that the notice was sent out 10 days prior to the hearing but does not know when it was received. Mr. Schifano said that state statute says it must be mailed 10 days in advance, but staff also posted the property, and it is a well-traveled road. We cannot control the speed of the post office. But it is within Council's purview to defer it for two weeks.

Council decided to proceed.

Action 1: Motion to adopt Resolution 20-40 to make and accept the Findings of Fact for consideration of and to approve SEU, variances and waivers.

Moved by: Villadsen

Second by: Berry

Vote:

Aye: Berry, Villadsen, Wolff

Nay: Kelly

The motion passed.

A copy of Resolution 20-40 is attached to these minutes.

Action 2: Motion to approve Development Plan for New Hill Vet Clinic with the conditions stated in the agenda packet.

Moved by: Wolff

Second by: Berry

Vote:

Aye: Berry, Villadsen, Wolff

Nay: Kelly

The motion passed.

Consent Agenda

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

10. Minutes – The Council approved minutes of the Council business meeting held November 3, 2020 and the workshop meeting held November 10, 2020.

11. Avent Ferry Road Widening Project Change Order - The Council approved a change order and budget amendment increasing the project budget by \$92,000 to incorporate an additional turn lane funded by the developer.

A copy of the budget amendment is attached to these minutes.

12. Voluntary Annexation A20-07, 1637 Avent Ferry Rd. - The Council adopted Resolution 20-36 directing the Town Clerk to investigate the sufficiency of Annexation Petition A20-07 and set public hearing for December 1, 2020.

A copy of Resolution 20-36 is attached to these minutes.

13. Signal Fiber Contract Approval and Budget Amendment - The Council approved the agreement between Hyper Networks, Inc. and the Town of Holly Springs for the installation of a conduit network and fiber for the connection of traffic signals within the Town limits, in the amount of \$308,273.76 and a budget amendment in the amount of \$339,102 to fund the contractor's RFP amount plus 10 percent contingency.

A copy of the budget amendment is attached to these minutes.

NEW BUSINESS

14. Peterson Station Developer Agreement and Plan Amendment 16-DP-17-A03

Sean Ryan, Development Services, said the purpose of this item was to consider a request for an amendment to the Development Plan and Developer Agreement for Peterson Station to modify the project phasing. He reviewed the location of the project and its mixed-use designation and LB: Local Business zoning. He said the Developer Agreement included 182 residential units for Phase 1 permits. The original agreement required the Commercial Buildings along the Sunset Road frontage to be developed first, the request is to develop the residential along the back of the property first. The Developer is required to install a new traffic signal at Sunset Lake Road and Stephenson Road, turn lanes, and all other improvements.

Prior to Phase 1 certificate of occupancy, the Developer must apply for and receive a permit on all buildings that contain commercial units and the buffer plantings must be installed.

Mark Stuckey of the Planning Board said that the Planning Board recommended approval with a vote of 5-3-1 at their October meeting. Voting against were Mr. Deshazor, Mr. Crandall, and Mr. Brady, who had concerns that the retail would be left off the project, never be built and would

leave an empty space. Discussions were held on the concern of allowing the residential to be constructed first, and that by moving forward with residential would the retail be left off entirely.

The applicant, Tom Spaulding with Spaulding Group, said there has been some minor grading, but they want to move forward. He said that the current situation, with retail vacancy rates, means building residential property means he could build something he could actually rent. He said that Mr. Peterson, looking at his numbers, said that having the retail standing empty would not be good for his financial situation. He said they want to modify the project phasing so that construction on the stand-alone apartment buildings may begin prior to the mixed-use buildings. Building 57% of the residential would bring more traffic to encourage retail to come. The developer would agree to no vertical construction (i.e. no framing inspections) until the new traffic signal at Sunset Lake Rd. and Stephenson Rd. is installed, accepted by NCDOT, and operational. No Certificates of Occupancy shall be issued for Phase 1 until the Developer applies for and receives permits for all buildings that contain commercial units. These permits would amount to over one million dollars so that is not a small investment. The Smith Road and Ten Ten Road intersection improvements would also be completed with Phase 1.

Mr. Spaulding said that the Developer shall obtain approval of the Gateway Feature by Council prior to application for Phase 1 permit. The Gateway Feature may be constructed at any time prior to completion of the Developer's work in Phase 1. The property is on the Cary – Holly Springs line and this will provide a nice Welcome to Holly Springs designation. Also, prior to obtaining a first CO for each phase of the project, the Developer shall comply with each of the following requirements of the phase of the Project:

- Buffering requirements;
- Public realm areas
- Developed areas such as parking, landscaping street trees, and any other infrastructure within the Project area.

Phase 1 would be 182 residential units out of a total of 317 units (or 57%) an Amenity Center and Pool, roadway improvements, including traffic light, and the Town of Holly Springs Gateway Signage.

Jeff Peterson, said this was the fourth time before Council for this project, so you are familiar with this. He said that retail is his passion and it is his favorite part of the project. But when COVID hit, commercial property took a hit. This project has always been touted as neighborhood businesses, the small "mom and pop" businesses. These are the businesses most affected by the lockdown. They are not looking to expand right now. There is no bank that will finance retail property right now. He has every anticipation of moving right in to Phase 2. He said if they get the 182 units done, I-540 will be close to finished, COVID will be in our rearview mirror and we can move forward with this. He said they will complete all the infrastructure first, 90-95% of site work will be done and all permitting fees will be paid upfront, before the first CO is issued. If they have paid for it, they will build it.

Councilwoman Kelly asked how much of the parking would be built with Phase 1. Mr. Spaulding said that all of the parking will be built up front.

Mayor Sears asked John Schifano, Town Attorney, if staff was comfortable with the agreement from a legal point of view, and Mr. Schifano said yes. There was discussion about the risk to the Town both of accepting this amendment, and in rejecting it, and how COVID has impacted the decision on this project.

Action 1: Motion to approve Major Development Plan Amendment for Peterson Station with the conditions stated in the agenda packet.

Moved by: Wolff

Second by: Villadsen

Vote: Unanimous

Action 2: Motion to approve Developer Agreement.

Moved by: Villadsen
Second by: Wolff
Vote: Unanimous

Randy Harrington, Town Manager, said there had been some feedback, and people online are having a hard time hearing, so he asked that people speak directly into their microphones.

15 - 17. Village Gate Tracts 1, 2 and 3 Development Plans

Development Plans for Tract 1 (20-DP-14) Tract 2 (20-DP-12) and Tract 3 (20-DP-13) were handled together.

Cheryl Caines, Development Services, said this item was for Council to consider requests for Development Plans for Village Gate Tracts 1, 2, and 3. She identified the tracts, with Tracts 1 and 2 being on the west side of Main Street between Ralph Stephens Rd. and GB Alford Highway, and Tract 3 being on the east side of Main Street at Ralph Stephens Road. All three tracts are designated mixed-use center on the Land Use and Character Plan, and are zoned CB Community Business, with a conditional use.

Ms. Caines said that Tract 1 includes a 159-unit age-restricted (senior) apartment building of approximately 195,844 square feet and there is space for 12,000 square feet of commercial, which will be a future development petition. Tract 2 includes 60,000 square feet of professional office uses within two buildings. They are requesting Waivers to increase the building bay width for buildings one and two, and reduce the minimum off-street loading dimensions. Tract 3 includes 21,000 square feet of integrated center, with 160 dwelling units in a mixed-use building, a child care center and an art park. Waivers requested for Tract 3 are a reduction in the amount of brick/stone for the mixed-use building and the kiosk building, a reduction in the amount of glass for the kiosk building, and alternate compliance with all façade requirements for the child care campus. The applicant will go into more detail on the requested waivers.

Rachel Jones, Development Services, reviewed the transportation information given during the public hearing part of this meeting. These requirements apply to all three Tracts of the project.

Matt Beard, Parks and Recreation, offered to answer any questions about the greenway project. There were none.

Ms. Jones then showed where secondary emergency access would be, with cross-access and connection to Stephens Tract, per the Developer Agreement. She explained that the secondary emergency access to Tract 3 was required by NC Fire Code. A fire-flow analysis was completed with each development plan.

Mark Stucky, Planning Board, said they recommended approval with a vote of 6-2-1.

Chris Rurkowski, said that the densities to be described were per the Developers Agreement, and showed how the buildings would be sited on the land and potential elevations for the Aspens Senior Living on Tract 1. He showed an exterior and discussed features and amenities that would be provided. There is a covered drop off area, 4 stories of living space, and covered surface or garage parking. Access will be from a dedicated right-turn lane off of Main Street.

Mr. Rurkowski said that Tract 2 would be a medical office and office buildings. He showed proposed elevations for the two buildings. He discussed materials to be used in the exterior construction of the buildings, and the public art at the corner. He said the parking waiver was because they did not see tractor trailer trucks being needed to make deliveries, but only smaller delivery trucks.

Ted Van Dyk, architect, said these are not waivers so much as alternate compliance. He said that they were trying for a more restrained, professional look, rather than a retail space with numerous entries. There are curved, generous entries that are focal points.

Mr. Rurkowski said Tract 3 is anchored Solaris Building, Art Park, and Oak Village Academy, he showed proposed elevations and the plan for a pool on the second level terrace above the entrance for residents. He showed a rendering of the art park, with kiosk building and the Oak Village Academy. The Academy has various styled buildings, surrounded by a stone/brick wall to unify the look, and features secure outdoor area for the children to play. He discussed the

building materials to be used for the buildings on Tract 3. Solaris has downstairs retail and residential above. There is a gathering area between the building and the street, a skating rink that could transform to a stage for events. Fifty of the apartments will be work force housing. Between Solaris and the Academy is the art park with a stage, public art, outdoor seating.

Mayor Sears asked about the age group for the Academy. Eli Zabrud said 6 months to 6 years.

Mr. Van Dyk said the waivers for Tract 3 are because it has a variety of uses and they are trying to unify them. The waivers are variations in quantity of materials, more floor to ceiling glass for a residential look. They are only altering percentages of these materials. The Kiosk is only a 300 square-foot enclosure so the UDO standards were difficult to maintain, so they varied the areas and percentages, while still keeping a unified look. The Village Academy is built at a great scale for kids, residential scale, and with lots of outdoor space. There is a masonry wall around the project to tie it back to the materials in the main development, and to have the variety and warm residential feel for the preschool.

Mayor Sears asked what the skating rink is made out of. Mr. Zabrud said it is a component plastic that can be skated on with blades, but in the summer it can be converted to other uses.

Councilwoman Kelly asked if the intent was to have the skating rink open to the public? Mr. Zabrud said yes, the whole area would be open to the public.

Tract 1

Action: Motion to approve Village Gate Tract 1 with the conditions stated in the agenda packet.

Moved by: Berry

Second by: Villadsen

Vote: Unanimous

Tract 2

Action 1: Motion to adopt Resolution 20-39 to make and accept the Findings of Fact for consideration of Waivers.

Moved by: Kelly

Second by: Wolff

Vote: Unanimous

A copy of Resolution 20-39 is attached to these minutes.

action 2: Motion to approve Village Gate Tract 2 with the conditions stated in the agenda packet.

Moved by: Villadsen

Second by: Wolff

Vote: Unanimous

Tract 3

Action 1: Motion to adopt Resolution 20-42 to make and accept the Findings of Fact for consideration of Waivers.

Moved by: Wolff

Second by: Berry

Vote: Unanimous

A copy of Resolution 20-42 is attached to these minutes.

Action 2: Motion to approve Village Gate Tract 3 with the conditions stated in the agenda packet.

Moved by: Berry
Second by: Villadsen
Vote: Unanimous

18. Comprehensive Transportation Plan Steering Committee

Randy Harrington, Town Manager, introduced Emmily Tiampati, Development Services, the Town's new Transportation Planner. She has been with the Town for about 4 weeks, and comes to us with a lot of transportation planning experience in Arkansas, Florida, and other places.

Ms. Tiampati, Development Services, said that as was discussed in a previous meeting, a steering committee is being formed to provide technical feedback and local expertise in the development of the Comprehensive Transportation Plan's (CTP) goals and recommendations. The plan will be multi-modal, addressing pedestrian, bicycle, public transit as well as streets and highways. The CTP was last completed in June of 2011, with an amendment in July of 2013. The current process was started in October 2020, and adoption of the new CTP is anticipated in January 2022.

The suggested composition of the 15-member committee is a mixture of Town residents and technical experts in transportation. They will hold a maximum of 6 meetings at key milestones in the process. Staff has suggested 10 members from technical advisors from local groups such as CAMPO, NCDOT, and Planning Board members. Council is being asked to name five members:

- A council member;
- A van pool/bus rider representative;
- A Holly Springs High School student;
- A resident-at-large / Senior; and
- A resident-at-large

No.	First Name	Last Name	Group	Company
1	Alex	Rickard	Technical Advisor	CAMPO
2	Baohong	Wan	Technical Advisor	VHB Town's contracted TIA 3rd party reviewer
3	Cara	Hylton	Non-resident developer	ABCZ Properties/ Trustwell
4	Craig	Ashby	Holly Springs Advocacy Groups/Clubs	Holly Springs Senior Walking
5	David	Stallings	Residential Developer	Shenandoah Homes/ Capital Properties/Capital Grading
6	Erin	Convery	Technical Advisor	GoTriangle
7	Jackie	Miller	Holly Springs Advocacy Groups/Clubs	Holly Springs Cyclist
8	Rick	Madoni	Planning Board	Planning Board
9	Ryan	Monteleone	Holly Springs Advocacy Groups/Clubs	Holly Springs Run Club
10	Sean	Brennan	Technical Advisor	NC DOT
11			Town Council	Town Council
12			Van Pool/Bus Rider Rep	
13			HS High School Student	
14			Resident at large - Senior	
15			Resident at large	

Councilwoman Kelly said that this group does not represent Old Holly Springs. The older neighborhoods that did not have sidewalks need to be represented. Randy Harrington said that was a great comment, and that Council's appointment of one of the five could reflect the type of input they would like to have. There was discussion about coming back at the next meeting with options for the five positions to be appointed by Council.

MPT Berry said he was willing to serve as the Council member. Councilman Wolff said Councilman McGrath might like to do it, and he is not here. Mayor Sears said he would like to bring it back in December to get the last five names.

Ms. Tiapati said that there would be other stakeholder groups and those could focus on the underrepresented areas and people.

Action: Motion to appoint the first ten members of the Comprehensive Transportation Plan Steering Committee as outlined above, with the understanding that a group or organization may designate an alternate member to participate.

Moved by: Villadsen

Second by: Wolff

Vote: Unanimous

19. Changes to Memorandum of Agreement with Wake County and other development partners

John Schifano, Town Attorney, said that the purpose of this item was to approve changes to the Memorandum of Agreement (MOA) with Wake County, and approve a Donative Transfer Agreement by Resolution. He said the MOA regarding the 20 acres north of Ting Park between Wake County, the Town, My Computer Career, and DHIC for a mixed use residential and office tract did not state that the Town would take title from the County. The Transfer Agreement states that the Town will take title to the 10 acre western parcel retail tract, at no cost. The Town has three years to either develop it for public use, or transfer it for economic development purposes. If transferred, the Town must convey for fair market value, and transmit funds to Wake County. We agree to sell the property for fair market value to the corporation for their headquarters.

There was some discussion of road improvements, and whether this alters the Town's ability to get those done by developers. There was discussion about rezoning, and Mr. Schifano said that in order for the conveyance to go through the land would have to be rezoned. Council is not obligated to rezone it. Council is obligated to consider rezoning it. There is no *quid pro quo* because Council is not required to rezone. If you do not rezone, there is no penalty you just don't get the property. If you do rezone and DIHC says they aren't interested in developing it, you have choices. You can still sell for economic development purposes, or you can clear it, grade it, and use it for public use. In any case the town is not out any cash.

Action: Motion to approve revised Memorandum of Agreement (MOA) and to adopt Resolution 20-44.

Moved by: Villadsen

Second by: Kelly

Vote: Unanimous

A copy of Resolution 20-44 is attached to these minutes.

OTHER BUSINESS

Mayor Sears said that there had been 671 cases of COVID 19 in our zip code, with 2 deaths; 25,133 cases in Wake County with 280 deaths since March. He said he was on a healthcare Zoom this morning. Rex, Duke and WakeMed are now working together every day to get this pandemic solved. This is a first because they were very competitive before COVID. Also, speeding is still not nice.

Councilwoman Kelly said she the Historic Marker for the Holly Springs Elementary School is going to be installed on Sunday at 3:00 at the Hunt Center. There is also a tree being planted at Womble Park in honor of Mr. Hunt. She thanked the community for coming together to provide

Thanksgiving meals for those in need. She asked residents, if they know anyone in need, to contact any of us and we will reach out to those people.

Councilman Wolff said at the workshop there was a long discussion about changes to annexation policy and how that related to state statutes and what we are allowed to do. Some proposed legislation has been going around for years. With the changes in representatives at the state level, there is a chance to work with them. There have been instances in the past where Statutes got in the way of what we think is best for the Town. He would like to create a legislative agenda committee, made up of two Councilmembers, (he and Mayor Pro Tem Berry) and the Town Attorney, and Town Manager starting this year. The long session is coming up quickly, with an opportunity for us to have an impact. He sees the committee meeting and coming up with recommendations that the full group can agree on, bring these ideas back to the full Council, and then get together with state representatives so that we can start making requests to better serve our constituents. Mayor Sears said that he likes this idea, and he would like to get back into working with the General Assembly. He had a great conversation with Erin Pere and she was very receptive. MPT Berry said he was supportive. It would be good to formalize the agenda, and then get buy-in from the whole Council.

Mayor Sears said that 28 Mayors across NC came up with top priorities: #1 funding for DOT, #2 affordable or workforce housing. Those two items rose to the top.

MANAGER'S REPORT

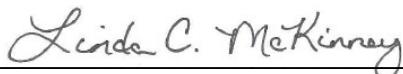
Randy Harrington, Town Manager, said he had 4 items. The first related to Councilwoman Kelly's mention, the Holly Springs Historical Marker unveiling will be Sunday at 3pm, and it will be livestreamed for those who want to watch from home. The school educated black youth from the 1920s until the 1970s. Second, we have undertaken ADA transition plan, on December 1st there will be a virtual presentation at 4pm. At Hollyspringsnc.gov, go to the calendar for the link to join in on how to improve accessibility. Third, leaf season is off to a big start. He requests that the community look at the information that was sent out on how they can help. The intense rain last Thursday showed that we need not to pile leaves on the road or in front of drains because it exacerbated flooding.

Finally, reminder that next week Town offices will be closed on Thursday and Friday, and he wished everyone a happy Thanksgiving.

CLOSED SESSION: None.

Adjournment: Mayor Pro Tem Berry made a motion to adjourn at 9:44 pm. It was seconded by Councilman Villadsen and passed with a unanimous vote.

Respectfully Submitted on Tuesday, December 1, 2020.



Linda C. McKinney, Town Clerk

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