



Agenda

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

PUBLIC COMMENT PERIOD Notes on the Comment Period -Due to the current restrictions on mass gatherings, public comment will be received in writing and delivered to Council Members prior to this meeting.

REQUESTS AND COMMUNICATIONS

5. Introduction of new Police Chief, Paul Liquorie

PUBLIC HEARINGS

6. Voluntary Annexation A20-04 Cass Holt Road

CONSENT AGENDA

7. Approve the minutes of the August 18, 2020 Business Meeting.
8. Resolution for Town Attorney to petition court for compliance of the minimum housing ordinance.

UNFINISHED BUSINESS

9. Deadly Weapons Ordinance - Ordinance 20-04

NEW BUSINESS

10. Water Source and Capacity Analysis Update (TOHS # 18-015)
11. Tree Advisory Committee Mid-Term Appointment
12. Stephens Tract Developer's Agreement

OTHER BUSINESS

MANAGER'S REPORT

CLOSED SESSION -

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



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 5.

Requests & Communications

Title: Introduction of new Police Chief, Paul Liquorie

Strategic Priority Area: Organizational Excellence

Safe & Friendly

Staff Resource: Randy Harrington, Town Manager, Daniel Weeks, Asst. Town Manager

Action(s):

Introduce new Police Chief, Paul Liquorie

Explanation:

- Following a nationwide search, Paul Liquorie has been selected as Holly Springs' new Police Chief.
- Town Manager, Randy Harrington, will share highlights of the hiring process and introduce Chief Liquorie.

Background:

Funding Source(s):

N/A

Attachment(s):

None



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 6.

Public Hearings

Title: Voluntary Annexation A20-04 Cass Holt Road

Strategic Priority Area: Responsible & Balanced Growth

Staff Resource: Melissa Sigmund, Planning & Zoning

Action(s):

Adopt Annexation Ordinance A20-04, annexing 55.9 +/- acres, PIN # 0648239301 & 0648333740, owned by the Town of Holly Springs.

Explanation:

- The Town has received a petition for voluntary annexation of 55.9 +/- acres located in the vicinity of Cass Holt Road.
- The property is owned by the Town of Holly Springs as a future park.
- Annexation is being requested at this time in order to better address public safety response interests by having Holly Springs police be the service provider to the parcel instead of the Wake County Sheriff's Office.

Background:

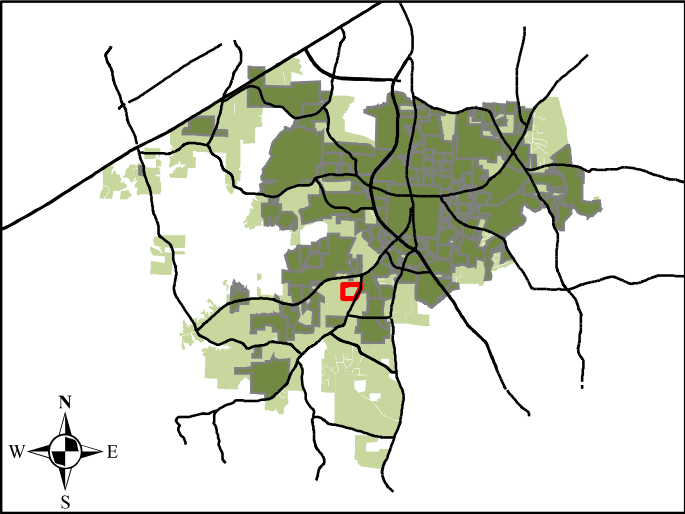
- The property is owned by the Town of Holly Springs and is contiguous with Town Limits.
- Staff has requested feedback from all departments and there were no issues with this annexation.
- The property meets all statutory requirements for annexation.

Funding Source(s):

N/A

Attachment(s):

1. A20-04 Map
2. Resolution 20-22 Annex Town Prty- Cass Holt Town Park
3. Ord. A20-04 Extend the Corporate Limits - Cass Holt Park - Draft



- Legend**
-  Annexation
 -  Subdivisions
 -  Lakes
 -  Town Limits
 -  Extraterrito...
 -  Jurisdiction (ETJ)
 -  Short Range
 -  Urban Service Area





THE TOWN OF

Holly Springs

Resolution No. 20-22

Date Adopted: August 18, 2020

Annexation No. A20-04

**RESOLUTION STATING THE INTENT OF THE TOWN OF HOLLY SPRINGS TO ANNEX
PROPERTY OWNED BY THE TOWN OF HOLLY SPRINGS
WHICH IS CONTIGUOUS TO THE EXISTING MUNICIPAL BONDARIES**

BE IT RESOLVED by the Town Council of the Town of Holly Springs that:

Section 1. It is the intent of the Town Council, pursuant to G.S. 160-31, to annex the property described in Section 2, which is owned by the Town of Holly Springs.

Section 2. The legal description of the property is as follows:

Commencing at the Town of Holly Springs Geodetic Monument "Seagraves 5", having NC Grid Coordinates if N = 690,714.392 and E = 2,045,932.457, NAD 83 (202B):
Thence South 16 degrees 32 minutes 30 seconds West -7826.11 feet to an existing iron pipe on the western right of way of Cass Holt Road (NCSR # 1116) and being South 10 degrees 50 minutes 34 seconds W - 1864.05 feet from the centerline intersection of Cass Holt Road (NCSR # 1115) and Avent Ferry Road, (NCSR # 1116) the point of BEGINNING:
Thence South 69 degrees 57 minutes 34 seconds East-30.55 feet to a cotton spindle in the centerline of Cass Holt Road;
Thence the following calls along the centerline of Cass Holt Road:
South 29 degrees 46 minutes 30 seconds West-79.69 feet to a point;
South 30 degrees 23 minutes 20 seconds West-99.53 feet to a point;
South 30 degrees 06 minutes 53 seconds West-100.45 feet to a point;
South 29 degrees 27 minutes 28 seconds West-50.92 feet to a point;
South 29 degrees 03 minutes 53 seconds West-50.96 feet to a point;
South 28 degrees 52 minutes 12 seconds West-51.07 feet to a point;
South 28 degrees 37 minutes 48 seconds West-50.80 feet to a point;
South 27 degrees 51 minutes 36 seconds West-50.96 feet to a point;
South 27 degrees 31 minutes 16 seconds West-51.17 feet to a point;
South 27 degrees 13 minutes 59 seconds West-49.79 feet to a point;
South 26 degrees 59 minutes 35 seconds West-96.44 feet to a cotton spindle in said road centerline; Thence leaving said road centerline, North 88 degrees 24 minutes 57 seconds West-1484.66 feet to an existing iron pipe;
Thence North 01 degrees 46 minutes 37 seconds East- 422.10 feet to a bent axle;
Thence North 02 degrees 11 minutes 03 seconds East -1050. 70 feet to an existing iron pipe on the south bank of a creek; Creek is the property line.

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Thence along a reference line south of said creek, South 89 degrees 16 minutes 44 seconds East -218.22 feet to an existing iron stake;
Thence South 40 degrees 30 minutes 32 seconds East-90.98 feet to an existing iron stake;
Thence South 88 degrees 50 minutes 37 seconds East-234.91 feet to an existing iron stake;
Thence North 77 degrees 27 minutes 32 seconds East-155.89 feet to an existing iron stake;
Thence leaving creek, South 02 degrees 39 minutes 53 seconds East-614.31 feet to an existing iron pipe;
Thence South 84 degrees 58 minutes 27 seconds East-492.46 feet to an existing iron stake;
Thence South 69 degrees 57 minutes 34 seconds East-461.12 feet to an existing iron pipe, the point of BEGINNING, containing 37.88 acres more or less, and being Parcel #2, Deed Book 17729 Page 515 as recorded in the Wake County Register of Deeds.

Commencing at the Town of Holly Springs Geodetic Monument "Seagraves 5", having NC Grid Coordinates if N = 690,714.392 and E = 2,045,932.457, NAD 83 (2012B):

Thence South 16 degrees 36 minutes 25 seconds West- 6953.04 feet to a cotton spindle set in the centerline of Cass Holt Road (N CSR # 1116) and being South 06 degrees 18 minutes 3 6 seconds W -997.62 feet from the centerline intersection of Cass Holt Road (NCSR # 1115) and Avent Ferry Road, (NCSR # 1116) the point of BEGINNING:

Thence the following calls along the centerline of Cass Holt Road:

South 03 degrees 39 minutes 59 seconds West - 233.87 feet to a point;

South 04 degrees 24 minutes 13 seconds West - 51.29 feet to a point;

South 05 degrees 42 minutes 18 seconds West - 51.65 feet to a point;

South 07 degrees 40 minutes 32 seconds West - 51.36 feet to a point;

South 10 degrees 10 minutes 53 seconds West - 52.95 feet to a point;

South 13 degrees 06 minutes 38 seconds West- 53.69 feet to a point;

South 16 degrees 37 minutes 31 seconds West - 53.22 feet to a point;

South 19 degrees 53 minutes 30 seconds West - 52.27 feet to a point;

South 22 degrees 14 minutes 25 seconds West - 51.86 feet to a point;

South 24 degrees 13 minutes 28 seconds West - 52.45 feet to a point;

South 26 degrees 06 minutes 55 seconds West - 53.82 feet to a point;

South 27 degrees 38 minutes 50 seconds West - 53.93 feet to a point;

South 28 degrees 46 minutes 23 seconds West - 50.99 feet to a point;

South 29 degrees 55 minutes 16 seconds West - 24.98 feet to an existing cotton spindle;

Thence leaving said road centerline, North 69 degrees 57 minutes 34 seconds West - 491.67 feet to an existing iron stake;

Thence North 84 degrees 58 minutes 27 seconds West - 492.46 feet to an existing iron pipe;

Thence North 02 degrees 39 minutes 53 seconds West - 614.31 feet to an existing iron stake on the southern bank of a creek. Run of creek is the property line:

Thence along a reference line south of said creek, South 89 degrees 25 minutes 41 seconds East - 260.81 feet to an existing iron stake;

Thence North 88 degrees 08 minutes 08 seconds East - 691.47 feet to an existing iron stake;

Thence North 88 degrees 59 minutes 00 seconds East - 241.49 feet to a cotton spindle in the centerline of Cass Holt Road, the point of BEGINNING, containing 18.26 acres more or less, and being Parcel #1, Deed Book 17729 Page 515 and Book of Maps 2001 Page 687 as recorded in the Wake County Register of Deeds.

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Holly Springs, North Carolina, that:

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Section 3. The property described in Section 2 is contiguous to the current municipal boundaries.

Section 4. A public hearing on the question of annexation of the property will be held at Holly Springs Town Hall, 128 S. Main St. at 7 p.m. (or as soon thereafter as is practicable) on Tuesday, September 1, 2020

Section 5. Notice of the public hearing shall be published in the Raleigh News & Observer, having general circulation in the Town of Holly Springs, at least ten (10) days prior to the date of the public hearing.

Adopted this, the 18th day of August, 2020.

ATTEST:


Dick Sears, Mayor


Linda C. McKinney, Town Clerk



THE TOWN OF

Holly Springs

Ordinance Number: A20-04

Date Submitted: September 1, 2020

Date Adopted: September 1, 2020

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 adopted a resolution under G.S. 160A-31 stating its intent to annex the area described below; and

WHEREAS, a public hearing on the question of this annexation was held at Town Hall, 128 S. Main Street, Holly Springs at 7:00 p.m. on Tuesday, September 1, 2020, after due notice; and

WHEREAS, the Town Council finds that the proposed annexation meets the requirements of G.S. 160A-31;

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Holly Springs, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described contiguous property owned by the Town of Holly Springs is hereby annexed and made part of the Town of Holly Springs as of September 1, 2020.

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Section 2. The Mayor of the Town of Holly Springs shall cause to be recorded in the office of the Register of Deeds of Wake County, and in the Office of Secretary of the State in Raleigh, North Carolina, an accurate Map of the annexed property, along with a certified copy of this Ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S.163-288.1.

Adopted this, the 1st day of September, 2020.

Attested to:

Dick Sears, Mayor

Linda C. McKinney, Town Clerk



Office of the Mayor

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Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 7.

Consent Agenda

Title: Approve the minutes of the August 18, 2020 Business Meeting.

Strategic Priority Area: Organizational Excellence

Staff Resource: Linda McKinney, Town Clerk

Action(s):

Approve the minutes of the Council's business meeting held August 18, 2020.

Explanation:

- Minutes in draft form are attached for the Council's review.
- If there are any corrections, please call the Town Clerk at 919-557-3900 in advance of Tuesday night's meeting so that corrected versions of the draft minutes can be circulated for review before adoption of the Consent Agenda.

Background:

Funding Source(s):

N/A

Attachment(s):

1. 8.18.20 minutes - draft



MINUTES

The Holly Springs Town Council met in regular session on Tuesday, August 18, 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 five Council members were present as the meeting opened.

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

Council Members Absent: none.

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); Mark Andrews, *Communication and Marketing*; Jeff Wilson, *Director IT*; Kendra Parrish, *Executive Director, Utilities & Infrastructure Services*; Rachel Jones, *Engineering*; Sean Ryan, *Planning & Zoning*; LeeAnn Plumer, *Director Parks and Recreation*; Justin Burcham, *Parks and Recreation*; Matt Beard, *Parks and Recreation*; Patty Dressen, *Interim Director of Finance*; Matthew Mutter, *IT*; Kathy White, *Deputy Town Clerk*; and Leroy Smith, *Fire Chief*.

Staff Members Present via video conferencing: Cassie Hack, *Director Communications and Marketing*; Tamara Ward, *Communications and Marketing*; Gina Clapp, *Director of Planning & Zoning*; Irena Krstanovic, *Director Economic Development*;

2. and 3. The Pledge of Allegiance was recited followed by an invocation by Mark Saboldi of The Church of Jesus Christ of Latter Day Saints.

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

Motion by: Berry

Second by: Kelly

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: A request for a street light at the intersection of Green Oaks Parkway and New Hill Road; a request that the Town join the SolSmart program; 2 comments in favor of the weapons ordinances; and 58 comments in opposition to the weapons ordinances

Copies of these comments are attached to these minutes.

5. Proclamation Declaring Senior Citizen's Day in Holly Springs

LeeAnn Plumer, Director of Parks and Reation, introduced Justin Burcham, Hunt Center Recreation Programs Manager. Mr. Burcham said that Senior Citizen's Day was established as a national day by President Ronald Reagan in 1988. It is a way to support, honor, and show appreciation to our seniors and to recognize their lifetime achievements. She said approximately 13% of Holly Springs' population is 55 years old or older, and that percentage is growing. The Parks and Recreation Department is planning COVID-safe activities for seniors for the week of

August 17th-21st and would like to recognize Senior Citizen's Day in Holly Springs. Mayor Sears proclaimed August 21, 2020 Senior Citizen's Day in Holly Springs.

6. Public Hearing: Calvert Sports Academy and Development Center 20-DP-06 / 20-SEU-04 / 20-VART-03 / 20-VART-04

Sean Ryan, Planning & Zoning said that this was the continuation of the Public Hearing that was begun on July 21st to consider the Development Plan, Special Exception Use, and Variance for Calvert Sports Academy and Development Center. There will be two suggested actions. He reviewed where the project would be located inside the Carolina Springs PUD and that it meets the current zoning status. In the Land Use Plan this area is marked as a Regional Center. He outlined the steps that had been taken to get to this point in the process. The Development Plan is for a 272,000 square foot facility, with a Special Exception Use for an indoor sports training facility, and some requested variances.

Rachel Jones, Engineering, showed the location of new roads, Ice Barn Road and Carolina Springs Boulevard, and the road improvements within the site. She outlined the road improvements to Old Holly Springs Apex Road, and the intersection at Carolina Springs Boulevard. There will be sidewalks connecting to greenways along that road. She identified three intersections which are not warranted today for traffic signals, but are being monitored for when they would warrant signals. A traffic report indicated that there would be improvements needed at Carolina Springs Blvd. and Old Holly Springs Apex Rd. with a westbound right turn lane, eastbound left turn lane, egress turn lanes and fee-in-lieu toward future traffic signals.

Ms. Jones said that the project will connect to sewer outfall, water main, and reclaimed water main as approved with the Master Plan. She said that the hearing was continued from the July 21st meeting because the fire flow report was not completed. New fire flow test data has been received that is accurate and has been incorporated into the analysis. Staff expects the final report this week, and a Hydraulic Report will be required to be finalized prior to construction drawings submittal. Any changes identified in that report will be reflected in those plans.

Planning Board Recommendation:

Chris Deshazor, Planning Board, said that the Planning Board recommended approval with a vote of 6-0-3. He said that a few questions were asked at Planning Board about solar panels and electric vehicle charging stations.

Mayor Sears asked John Schifano, Town Attorney what authority the Town has regarding these items. Mr. Schifano said that right now the General Assembly has not given municipalities the authority to require these.

Councilwoman Kelly asked if the Developer voluntarily says that they are going to do that, can the Town put it into writing that they will. Mr. Schifano said that there is no reason that Council couldn't ask them, but the Town does not have any authority to deny something based on that fact alone.

Councilman Wolff asked if the reason for that question from Planning Board was because of the developer's presentation. Mr. Deshazor said that it was brought up, and discussed, and the Planning Board discussed that there is no current authority to require it.

Mayor Pro Tem Berry asked Ms. Jones if the applicant was going to monitor for installation of the traffic signals, or were they only going to pay the fee-in-lieu, and what is their percentage of traffic impact. Ms. Jones said the developer will not be monitoring. The Town will collect the fee-in-lieu. They are still working with the traffic engineer, but the range of impact is from 3% to 14% impact and staff will work with them to finalize that percentage and the cost to determine their fee.

Councilman McGrath asked Ms. Jones about Old Holly Springs Apex Rd. and the phasing of those improvements. Ms. Jones said the portions highlighted on the screen are required for this project. There are additional improvements triggered by the first phase of residential development, which Council will get a chance to review later. MPT Berry asked if they are only paying a 3 to 14% proportion, how the Town would install those signals. Ms. Jones said that these signals aren't meeting warrants with their traffic volume right now. The next phase will trigger higher percentages

of impact. That phase is still within the PUD and the developer would be responsible for that impact also.

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

Brian Dautel with ClarkNexen, presented the program goals of the Calvert Sports Academy (development of the athlete; partnership between athletes, families, and coaches; and attracting nationwide talent) and the facility goals (design excellence; pervasive, integrated technology; high performance energy and water efficiency; amenity-rich; safe and secure). He said that the footprint of the building was only 165,000 square feet, and the additional square footage was vertical. He showed the location of the Sports Academy within the Carolina Springs PUD, and then showed the site plan and a site concept, orienting the green space to the building. There is a bus lane and bus drop off between the parking area and the building. The building has two entrances. It is pedestrian-oriented, and there is a possibility of public art.

Albert McDonald with ClarkNexen said that their architectural principals are oriented to prioritizing the pedestrian, minimizing the impact of the automobile, providing variation in building facades and massing, and using high quality materials. He said that the large masses would be the ice areas, connected by administration and public spaces, in an attempt to keep the building more interesting looking.

Mr. McDonald said that the following variances were being requested:

1. Reduce from 50% to 33% the visible building façade facing a street at the maximum 20 foot setback along the east frontage (Ice Barn Rd.);
2. Reduce from 50% to 22% the visible building façade facing a street at the maximum 20 foot setback along the south frontage (Carolina Springs Blvd.);

He said that the maximum building elevation is roughly 72 feet tall. Along Ice Barn Rd. the elevation is approximately 722 feet in length. Along Carolina Springs Blvd. the elevation is approximately 216 feet in length. The overall size of the building is approximately 250,000 square feet. These variances would allow an otherwise large building to be broken down and made more visually interesting, creating a more welcoming and friendly pedestrian experience. It would provide a welcoming entry appropriate for an icon building and create various outdoor public spaces. These areas will be thoughtfully planted and lighted to be welcoming public spaces.

Mr. McDonald said that approving the SEU Request would allow creation of a community asset and a preferred destination for ice related sports on the east coast. He said it would enhance property values within the development and Holly Springs in general, meets all PUD requirements, does no harm to the health and well-being of the general public, and would have no adverse impacts to the community.

Mr. McDonald responded to the Planning Board comments on energy conservation strategies by saying that they are evaluating a variety of sustainable strategies including, but not limited to, solar energy capture, water conservation, passive energy, and car charging stations. He said that charging stations are of particular interest, with the number of electric cars on the road.

Mr. McDonald said that parking will be located out of view of the rest of the development and that there would be adequate queueing and parking for teams' busses, individual athletes, and visitors onsite, such that impact to surrounding traffic patterns would be minimal. He said that during special events, Calvert has agreed to coordinate traffic control with the Town to reduce impacts to surrounding traffic patterns.

Councilwoman Kelly said she was happy he mentioned solar panels and charging stations because that has been the spirit of the project. She asked about parking for tournaments and what the strategy is for parking overflow. Mr. McDonald said that there is on-street parking on Ice Barn Road, but also adequate parking based on the square footage, according to code, and within the development there will be other parking within a block or two.

Councilwoman Kelly asked about recycling. Mr. McDonald said he assumed that would be part of the operational plan for the facility.

Councilman Wolff asked if the bus lane would be available for car drop off as well. Mr. McDonald said yes, there would be through traffic, with parking for busses. Councilman Wolff thanked them for looking into solar and other energy efficiency strategies.

MPT Berry said that usually at this stage we see detailed drawings. He asked if they were just looking “to get shovels moving” and would come back with drawings at a later time. Mr. McDonald said that yes it was a big building and they were trying to get the corresponding infrastructure started, and would come back with detailed drawings. MPT Berry asked about onsite boarding or dormitories for the educational programs which were presented in the original PUD review. Mr. McDonald there will be short term lodging for teams during tournaments, but there will not be housing for the academy. Students will live off campus and there will be no boarding element.

MPT Berry said that he generally thinks it meets the requirements, but would like to see more thought in the impervious area. It’s a big parking lot. Within this PUD it is ripe for a parking structure and that would have provided benefits for everything else that is in there as well. Some of those innovative features were missed by just meeting the letter of the UDO. He thinks they missed an opportunity.

Councilman McGrath said he would like them to look at all the sustainability measures, not just the building itself as they move forward.

Mayor Sears then closed the public hearing.

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

Motion by: Wolff

Second by: Kelly

Vote: Unanimous

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

Action: Motion to approve Development Plan for Calvert Sports Academy and Development Center.

Motion by: Villadsen

Second by: McGrath

Vote: Unanimous

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 Wolff and a unanimous vote. The following actions were affected:

7. Minutes – The Council approved minutes of the Council workshop meeting held July 14, 2020 and the business meeting held July 21, 2020.

8. 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 amendments is attached to these minutes.*

9. Avent Ferry Road Realignment LAPP Grant Review & Oversight Agreement – The Council approved NCDOT Review & Oversight Agreement for the Avent Ferry Road Realignment Transportation Bond project in the amount of \$7,500, and approved a budget amendment transferring \$7,500 from interfund loan 22 95.04 to project account 48 620 12.01. *A copy of the budget amendment is attached to these minutes.*

10. Interlocal Agreement with Town of Cary for Water Supply Mutual Aid - The Council authorized the Town Manager to enter into an interlocal agreement with the Town of Cary for Water Supply Mutual Aid.

11. Annexation A20-04 Intent to Annex – The Council approved Resolution 20-22 directing the Town Clerk to investigate the sufficiency of annexation petition A20-04 and set the public hearing for September 1, 2020. *A copy of Resolution 20-22 is attached to these minutes.*

12. Clay Ridge Storm Drain Repair Project – The Council awarded a contract to Precision Earth and Pipe LLC in the amount of \$73,507.24 and a budget amendment transferring funds in the amount of \$100,000 to stormwater project account and contingency.

13. Refinancing of the W. E. Hunt Recreation Center – The Council approved Resolution 20-25, Approving Financing Terms for the W. E. Hunt Recreation Center. *A copy of Resolution 20-25 is attached to these minutes.*

14. Property Tax Payment for New Town Park Land west of NC 55 – The Council approved an appropriation to pay Property Taxes on new community park land purchase.

15. Holly Springs Road Widening – Phase 2 NCDOT Municipal Agreement – The Council approved the NCDOT Municipal Agreement for the Holly Springs Road Widening – Phase 2 Bond project.

NEW BUSINESS

16. UNC Rex Hospital – Development Plan Major Amendment 10-DP-06-A08

Sean Ryan, Planning and Zoning, said the purpose of this item was to consider a major Development Plan amendment for UNC Rex Healthcare. The property is in the Village District, located at G B Alford and Main St. and Avent Ferry Rd. The approved Development Plan included white tube light along the stone façade of the building. The applicant has requested the use of a color changing luminous tube light instead. The light would normally be blue, but could be changed to red, green or other colors for special holidays or occasions. He said the other item was the focal point art, which requires Council's approval. The art is a moving sculpture, about 10 feet tall, and would be placed at the S. Main Street entrance to the property.

Chris Deshazor of the Planning Board said that the Planning Board recommended approval 5-1-3. There were questions about how the lights would be used to highlight local events. The one dissenting vote was because the building was already taller than anything else in town and this light would emphasize it more.

Matthew Waldrop of UNC Rex Hospital gave a presentation. He said the light was not to be a beacon, or a guiding light, but a decoration. He said the light could change color after a Hurricanes win or a State win, or other events and/or holidays. He showed what the light would look like in different colors and from different points of view. The light will not change quickly or pulsate, and will change color no more than once per hour. It can make rainbow colors. He then showed where the focal point sculpture would be installed, landscaped and lit. He said the sculpture looks like a leaf, and moves with the breeze. The sculpture is approximately 11 feet tall. It has a base and two top pieces, which move independently of each other. The light feature shines on that and gives it a color aspect.

Councilwoman Kelly said she is very excited about the hospital. She then asked if these big lights would be dimmable. They're very close to a neighborhood on Maple, and she wanted to know, if neighbors complain, could the lights change. Mr. Waldrop said there is a baffle, and the lights are directionalized, and they will be tied into the hospital light control system so they can dim it and change its direction if there are problems. The lights will be on at the hospital, even if they go

out in the rest of the Town, so people will know where they can come in the event of a power outage emergency.

Action: Motion to approve Development Plan Major Amendment for UNC Rex Healthcare.

Motion by: McGrath

Second by: Kelly

Vote: Unanimous

17. Deadly Weapons Ordinances – Ordinances 20-04 and 20-05

John Schifano, Town Attorney, said that after the Council workshop on July 14th he had been asked to draft two ordinances regarding restricting weapons on Town property. There are two separate ordinances, one regulating open carry and display of weapons, and one limiting concealed carry. He said that NCGS § 160A-089 authorizes cities to regulate the display of firearms on streets, sidewalks, alleys, or other public property. He said the proposed Ordinance 20-04 regulates bringing all weapons (including open-carry of firearms) on Town-owned property. This includes facilities, parks, greenways, picnic areas, open play areas, athletic fields, etc. It does not regulate open carry on streets, sidewalks or alleyways.

Mr. Schifano said that NCGS § 14-415.23 limits the ability of a town to regulate the concealed-carry of handguns. Towns are not allowed to prohibit a concealed carry permit holder from carrying on greenways and open play areas. Proposed Ordinance 20-05 regulates the concealed carry of permit holders on all Town property excluding greenways and open play areas. He said that the penalty for both proposed ordinances would be a Class 3 criminal misdemeanor (the lowest misdemeanor) and/or a fine, or, at the discretion of the charging officer, under Sec 12-352 of the Town code, a violator may be charged with a Town civil citation instead.

Councilman Wolff asked if there were any parts of these ordinances that are in conflict with state law. Mr. Schifano said no, state law is very expansive. The Second Amendment is a constitutional right. But the government can regulate constitutional rights if there is a compelling government interest and the ordinance is narrowly tailored. Both of these ordinances are narrowly tailored to that compelling interest.

Councilman Wolff asked if there was anything that would prevent Law Enforcement from doing their duty. Mr. Schifano said, no sir. Councilman Wolff asked if there was anything in these ordinances significantly different from other municipalities' ordinances. Mr. Schifano said no.

Mayor Sears asked Mr. Schifano to speak to the NCGS 14-269(b), exceptions to the law against carrying concealed weapons, such as retired Law Enforcement. Mr. Schifano said this ordinance would not speak to those people, it would regulate everyone else.

Councilman McGrath said that the state statute NCGS § 14-409.40 talks about uniformity in ordinances. There seems to be a difference in interpretation between the open carry and concealed carry statutes. Mr. Schifano said there are two statutes relating to guns that have the title state wide uniformity, one referring to concealed carry, and one to guns in general. NCGS § 14-409.40, in subsection (f) says that cities can regulate on their property. It says nothing in this section affects that right. If one town wanted to take a more expansive view and push the constitutional threshold, then that is not the type of uniformity. The uniformity they are talking about here is in reference to gun manufacturers, and gun shows. Municipalities cannot sue gun manufacturers; only the State can. Regulations of gun shows cannot be different from regulations for other types of shows. In his legal opinion, he said, Council does have the authority to regulate open carry in scheduled and non-scheduled fields, but not the authority to regulate concealed carry in non-scheduled fields.

Mayor Sears announced that he would call people to make public comments, giving each three minutes to speak, and alternating positions as long as possible. The following people spoke:

1. Andrew Stevens, 157 Old Garner Drive, King, NC in Stokes County, speaking on behalf of Gun Owners of America and Grassroots NC, and said he spoke for scores of residents of Wake County and Holly Springs. He asked that the ordinance to impose restrictions on concealed carry

be dismissed. He accused members of Council of belonging to “Astroturf organizations” and said that Grassroots NC would sue the Town if the ordinance were passed. His full comments are attached.

2. Susan Smith, 237 Kingsport, Holly Springs, said she serves on several boards in Holly Springs and in her neighborhood, but she is here tonight as a concerned citizen. She supports the Second Amendment, but also supports both these ordinances. She has great concerns about guns brought in to places where children are playing games or taking classes. She has lived here for 20 years and her entire family has participated in Parks and Rec programs. All that time she thought these were gun-free zones. She offered some statistics: yearly, around 36,000 Americans, an average of 100 a day, are killed by gun violence in the US; each year nearly 1500 minors are killed by guns; 3 million children are exposed to gun violence. Combine this with the increase in rage incidents at sporting events, and we have a problem. She said that gun free zones are intended to eliminate the risk of unintentional fire arm injuries, violent incidents, and suicides. This is true for schools, including their extra-curricular activities. Why wouldn't those same restrictions apply to Parks and Recreation areas?

Ms. Smith said that carrying a concealed weapon is for the defense of yourself. It is a different level of expertise and training to protect others. Only about 1 in 5 rounds fired by a Law Enforcement Officer responding to a mass shooting actually hits its target. At the Walmart shooting in El Paso, TX, so many good Samaritans had their guns drawn that Law Enforcement couldn't determine who was the shooter and who were the good guys. As to whether or not signs make a difference, she said that if we believe that, why have a stop sign or a traffic light? Most people abide by this law and are in support of gun free zones. Do we want to tell the children that we had the opportunity to do the right thing and chose not to do so? We are #1 safest community in NC. Let's continue to lead by example. Our neighboring communities have already passed such ordinances. The potential for sports rage and guns are not a good combination. Please vote in favor.

3. Don Burlingham, 212 Mystic Courts Lane, Holly Springs, said he had lived here for 19 years and he appreciates the community respecting his rights. He does not think this is a narrow ordinance. He said he could inadvertently cross an invisible line and be in violation. We are the safest town and he thinks that it is because he has the right to protect himself and his family. Protecting others is not the point. He joins his children for sports events and doesn't have to worry about breaking the law because he has something in his pocket. He goes to My Way Tavern where it is legal to carry, but if he entered Town Hall he would be breaking the ordinance. He is concerned that he and others will inadvertently, or by choice, not obey this ordinance. Please vote no.

4. Laila Haddad, 6237 Hilbert Ridge, Holly Springs, said she was 7 years old and in 2nd grade. She said there should not be guns close to kids like her. If people bring guns to parks kids could get hurt or be scared. Kids should not have to worry about getting shot. Miss Haddad said please do not have guns in parks. She thanked Council for their time.

5. Jeremy Merrill, 201 Airedale Drive, thanked Council for the time to speak. He has concerns over the issue, less around the topic, but more about the process. There was a push in May to get the ordinance drafted and moved on quickly. During that meeting there was a mention that there was widespread concern on this issue. He made a public record request and found 1 comment. He said his concern over fast-tracking of issues is not reserved to this topic. He mentioned the COVID grant process. He mentioned the vehicle fee increase and said it was not brought to the attention of residents. Too much is being done because “neighboring towns” are doing it. He thinks that people moved to Holly Springs in order to have it different from other municipalities. During the May meeting where these ordinances were brought up, it was stated that it was “not political.” But the facts do not agree with this. He asked them to review the organizational chart and remember who they, as elected officials, represent.

6. Hank Dickson, 504 Sandy Point Way, Holly Springs, thanked the Holly Springs PD and other police departments around the country who protect us. He said he is against both ordinances because he said solutions were being proposed to problems that don't exist. He said the VA Tech tragedy, which occurred in a gun free zone, is being used for anti-gun activism. He said it could have been avoided or casualties have been less if there had been armed students or citizens near the shooter. He said voting against the ordinances was the only logical option and voting for them would just add to a liberal councilman's resume.

7. Gerard Falzom, 114 Gratiot, Morrisville, said he was a candidate for the NC Legislature, House District 40. He supports the brandishing ordinance and intends to build upon it at the state level, but is concerned about the gun-free zone ordinances and plans, if elected, to repeal state laws that provide the legal basis for this proposed ordinance. He expressed his support for the Second Amendment and said that people should be allowed to carry at all times. He said there should not be a two tiered Second Amendment that allows the Governor and other politicians to be protected, but not private citizens. He said that gun-free zones are killing fields. He said that Holly Springs would have a high probability of having a mass shooting if these ordinances passed.

8. Harry Parrish, 5401 Leopards Bane Court, said that he echoed the comments of his predecessors, then read the emails he sent to Council previously, which are attached to these minutes. He said he opposes both ordinances. He said he couldn't find the ordinances on the web page and wants to look at them, but he is opposed to them. He is put off by the timing of the issue and thinks it shouldn't be "sandwiched between other issues."

9. Andrea Dillon, 401 Cayman Ave., Holly Springs said she has lived here for 11 years. Up until now there has been consensus, harmony and authentic civic activity from this Council and she has been proud to live here, but over the last six months to a year there has been more political activity that she considers partisan. She is opposed to both the ordinances. She is a gun owner, a believer in the Second Amendment. She thinks the persecution of gun owners has to stop. Stop punishing us for what bad actors do. She asked what are these ordinances supposed to be about if everyone has no problem. The last incident was in 2009. She said she feels safer seeing people wearing a gun. She said there are real issues facing this town, but gun issues are not among them. None of them are woke activities issues. She said if a law suit was invoked she would sign up.

10. Michael Hale, 7125 Ashway Drive, Holly Springs thanked Council. It has been interesting to see the care they put in to running the Town. He's never been to a meeting before. He's lived here since 2001 and enjoys spending time at various Town properties. He said guns save lives. He referenced AmericanGunFacts.com for statistics to support his opinion. He said guns are used by women to prevent sexual assault. The state does permit these ordinances to be put in place, but just because it is allowed doesn't make it right. He asked what compelling state interest makes this ordinance necessary, and said he doesn't think there is one. And if there is no compelling reason, you do not have a reason for the government to overweigh the rights of individuals.

Mike Poole was called, and said he would pass.

11. Diana Gallagher, 118 Bower Bank Lane, thanked Council for their service. She said she supported "all the against" that she heard. She said she was personally offended and feels attacked when there are people who want to regulate guns. She would like the Town to confiscate guns from criminals. Law abiding people with licenses aren't the problem. You should worry about confiscating guns from criminals who are walking into gun free zones. We are all afraid. Don't take away our protection. She said she perceived this as a trend which leads to things like defund the police. Don't go there. Don't start it. She moved here from Florida and picked this place out. She said all gun owners are peaceful people. She said don't push us around. She is against the ordinance.

12. Erin Paré, 5300 Lake Edge Drive, Holly Springs, said she is a candidate for the State House and the vice chair of the Board of Adjustment. She is a military spouse and gun owner. Holly Springs has been ranked the safest city in NC for the last 3 years. And ranked several times as safest city in the country, without a ban on lawful concealed or open carry. She asked for a round of applause. She said gun-free zones create soft targets. She said some residents would feel safer seeing a sign saying guns are not allowed, but she thinks many residents would feel less safe with such signs. A 2018 analysis that focused on mass public shootings reported that 97.8% of incidents took place in gun free zones. Also, she said enforcement would have a giant price tag. Perhaps as problematic is the argument that we are the only one who hasn't moved to ban open carry and concealed carry. She said that this is deferring your duties to other elected officials from other towns. She doesn't remember anyone running on this issue. She said there is no mandate by the public. She said this is a solution in search of a problem. She claimed they would make residents more vulnerable and less safe.

Mayor Sears asked if anyone else was present who wished to speak and no one answered.

MPT Berry said Council is considering two ordinances. He asked if they could be considered on their individual merits, starting with the concealed carry ordinance, then the open carry ordinance. Council agreed.

Councilman McGrath said he has not heard anyone speak too much in favor, except about what happened in Texas. He said the concealed carry permits in TX are different from NC. To receive one here is fairly involved. You have to go through significant training, know the rules, and prove proficiency at shooting at a target. A recent study has shown that the most wanted thing is background checks, and NC already does that for concealed carry permits. He does not see a good reason for this. He asked Councilman Wolff to converse with him about this. He knows Dr. Wolff has a business in Garner with stickers on the door. He asked what else they do to protect their employees. Councilman Wolff said they conduct active shooter training once a year, and for all new employees. Councilman McGrath asked what the training taught. Councilman Wolff said that his colleague is correct that he does not believe a sign will stop a madman with a gun. If that is the Town's level, we are going to fail time and time again. Councilman McGrath said that in that type of training people are taught to run, hide, fight. Councilman Wolff asked what the pertinence of this questioning was to the issue at hand. Councilman McGrath said that after you run and hide, what are you left with but to fight? And what are you going to fight with if you don't have guns? NC requires extensive background checks. People should never know that you are carrying. If you brandish your weapon, it is grounds to lose your permit. If you tell someone as a threat that you have a permit, you could lose your permit. To prohibit concealed carry in these areas, is folly. If we're really after the safety of our children and our employees, then let's be uniform. Single point access, pat people down, metal detectors.

Councilwoman Kelly said she does not own a gun but knows that many of her friends do. She asked many questions of her constituents. She said that there is a misconception about what started this discussion. It came up in December at the Parks and Recreation Advisory Board. They were updating their ordinances and brought up the desire to have these ordinances, unanimously. The members of the Parks and Recreation Advisory Board represent all different areas of the Town and different political leanings, and it was unanimous that they wanted these ordinances. That is a compelling reason. A Board in its entirety asked us to consider it. Since Council discussed the issue at the workshop, she went out to learn about it. She did not hear much objection to banning open carry. She heard people from different political backgrounds. She heard conceal carry permit holders say that they had no objection to locking their weapon in the car before entering Town Hall. Out at the farmers market and around town, employees who work on the first floor of the building voiced that they would prefer there be no concealed guns in town property. Employees with concealed carry permits said that they would prefer having the ban. There is nothing stopping people from coming in downstairs Town Hall with a weapon. They would be happy not to bring their

own, if others didn't. The sticker might sound simplistic, but even the sign asking people to watch their language worked, so this would help. She finds these things compelling and they make her support these ordinances.

MPT Berry said this is the third month in a row we have spent time discussing this issue. He said he doesn't think it is a problem because there have only been two incidents on Town property since 2009. He said Council should have spent time talking about the pandemic and its effect on businesses, and families with school children instead. The data doesn't support it being a problem in Town. Concealed carry permit holders go through the course, the background check, the fingerprinting. You can lose your permit over various issues and you have to reapply every five years and go through some of these things again. These people are following the letter of the law according to the state legislature. If you're doing it right no one will ever know. If the police are five minutes away, maybe you can help if there is a problem. He mentioned a Texas church incident where a security guard shot an assailant. He said women need to carry on greenways to protect themselves. He said domestic violence abuse victims might have a permit to protect themselves. On the issue of how it was raised, he thinks Councilman Wolff made it about himself and his agenda instead of waiting for staff to bring it to them. At the end, for him concealed carry is a regulated process. Everyone who goes through that process has to follow the law, and those people want to follow the law. Taking those rights away doesn't make our town any safer. If we want to make it safer, let's get police stationed in the building and metal detectors.

Councilman Villadsen said the issue of guns carried by law abiding residents on Town property is not an issue of safety. One faces a more significant risk of dying in a car accident or from the flu than by a mass shooting. He said we have discussed the training but wanted to touch on the other requirements to get a concealed carry permit, including mental capacity, lack of violent misdemeanors, and other disqualifying criminal offenses being discharged less than honorably from the armed forces, and other regulations. We have discussed that in the last 11 years there were only two calls to the HSPD. Concealed carry holders are our friends and our neighbors and are statistically more law abiding than the general public. Holly Springs is safe and will continue to be safe no matter what we do tonight.

Councilman Wolff said there have been a lot of fantastical stories about his motivation in bringing this to Council. He hopes it is clear that the only reason he did this is because he believes it to be the best thing for the Town. It will not prevent mass shootings, and if that is our measurement, we will fail every time. But it can eliminate or lessen accidental discharge, misplaced firearms, escalating arguments in public settings, and it can provide a more comfortable work environment for our employees. He said that the ban on weapons at his business, made three years ago, has not caused them to be a target. It has given his employees peace of mind, but has not put a bullseye on them. Holly Springs PD has said that passing these ordinances would not make us less safe. If they said it would, he would not be supporting these ordinances. He appreciates the variety of opinions from residents and interest groups, from our area and around the state, and thanked people for being mostly respectful in their correspondence on this potentially volatile issue.

Mayor Sears asked for the proposed motion to be displayed, then asked for any additional comments from Council.

Councilman McGrath repeated his opinion that posting signs would not have any effect. He said he has been in the position of having to protect people from insider danger. When he was given that responsibility, he changed things to have a single access point and other measures. A nearby facility had the paper but not the measures and they suffered a tragedy. He thinks it is ill advised.

Mr. Schifano, Town Attorney, reminded Council that by state statute, the first introduction of an Ordinance must be passed by a 2/3 vote. If this passes 3 to 2, it would have to come up as unfinished business at the next meeting and be voted on again. A unanimous or 4-1 vote would be

effective immediately. A 3-2 vote must go to the next meeting where a simple majority would suffice.

Action 1: Motion to deny adoption of Ordinance 20-05, creating a new section 12-354 & 12-355 of the Town Code of Ordinances regulating the concealed carry of handguns on Town property.

Motion by: Berry

Second by: McGrath

Vote:

Yay: McGrath, Berry, Villadsen

Nay: Kelly, Wolff

The motion to deny passes.

Mayor Sears opened the open carry ordinance discussion:

Councilman Wolff said he felt there was more consensus around this at the workshop, which was why it was separated into two ordinances, so he had nothing to add.

Councilman Villadsen said this is not an issue of safety. People open carrying are at best a distraction, and at worse cause fear and anxiety. It is not fair or right to put our employees into the position of dealing with someone who is openly carrying a gun, regardless of their demeanor. Even if it is not intended as a threat, it can be intimidating. Nor does he think it is right for children and families who are enjoying events on Town property to have to deal with the distraction, uneasiness, or fear of dealing with an individual openly carrying a gun. It diminishes their experience to the detriment of the Town. As the ordinance is written though, he does have a problem with banning open carry on greenways. Holly Springs' greenways are expansive, disjointed, some are isolated. He doesn't think it is feasible to ban open carry on greenways, many of which connect to sidewalks which then connect back to greenways. He would like to address revising the proposed ordinance to remove greenways.

Councilman Wolff said he would be fine with amending the Ordinance to exclude greenways. Councilwoman Kelly said she would too.

MPT Berry quoted the NC statute for open carrying. He said we do prohibit the discharge of weapons in the Town. The second phrase says municipalities may "regulate" firearms. He said this was a looser interpreted way of saying that we must define the compelling event and be sure it is narrowly enough tailored. He said the ordinance as written is too broad. He feels this ordinance pushes the boundary of a constitutional issue too far. He wants to strike the entire last sentence of the proposed ordinance about parks, greenways, athletic facilities. He said the open carry statute conflicts with the concealed carry statute. If this moves forward he would urge the Council to remove not only greenways, but the entire last sentence, to reduce the risk of litigation.

Councilman Wolff asked Town Attorney for his legal opinion on the potential litigation issue. Mr. Schifano said the Town is on solid constitutional grounds as it is written; however, reasonable minds can differ. Councilman Villadsen brings up a good point that there may be confusion over what is a greenway and what is a sidewalk in town. In a building you are either in or out, but a greenway can be less clear. So there might be a notice issue on greenways. It is clear that you can regulate buildings, and athletic fields, scheduled and unscheduled. The General Assembly made a difference between scheduled and unscheduled only in the concealed carry statute. That distinction does not exist in the regulation of display of weapons/open carry authority. He was confident that from a state law perspective the Town is OK. At the federal level, that changes from time to time and Court to Court. If the state statutes were challenged in federal court, there's nothing unique about our ordinance, it would affect a lot of jurisdictions in North Carolina.

Councilwoman Kelly asked if the Motion could amend the Ordinance to omit greenways. Mr. Schifano said that he would leave it to whoever made the motion to decide which places Council would like to strike. He would recommend taking out greenways because the notice provision. Councilwoman Kelly asked if the Town was able to put signs on picnic areas. Mr. Schifano said that the thought is a Town owned picnic shelter. Councilwoman Kelly asked Town

Manager, Mr. Harrington, about notification and how the Town would handle that at picnic areas and play areas. Mr. Harrington said staff would start by looking at other areas and what they have done. Staff would look at ingress and egress areas and various types of signage. Councilwoman Kelly asked if adequate notice could be provided if Council just struck greenways from the ordinance. Mr. Harrington said he thought notification could be made adequately at other areas. Mr. Schifano said the Town does not have to put signs on everything. A person just needs to be able to know whether they are in or out of a place.

MPT Berry said the state statute is silent on posting notice, and there is no direction in this document to say that we are going to post signs on these areas. If this ordinance goes forth, if someone is open carrying in those places, you call the police and it would be handled. Signs wouldn't help or change anything. Mr. Schifano said you are correct. There's nothing in the law that says you can't enact an ordinance without posting a sign. There are many things that can be regulated without a sign. The statewide uniformity for concealed carry is what requires a sign. They did not say that for open carry. The constitutional requirement of due process just means that you need to be able to know what is illegal. MPT Berry said that putting signs up for open carry could be confusing to concealed carry permit holders. He thinks signage is misleading if they don't know what it means. Councilwoman Kelly said she was not asking for the Town to spend money. She was trying to see who has the discretion to post any notices. MPT Berry likes the way the ordinance is written - there is no direction for posting anything. He supports that. Posting would create confusion in the general public.

Councilman McGrath said that if one were to go look today at the parks and recreation masterplan and the greenway master plan, one would see many sidewalks included. So greenways should not be included. He would like the verbiage from 20-05 be used in 20-04 to call out the actual identifiable park facilities by name, and make it even more specific. Veterans Park, for example, has sidewalks. Which parts of the park are included? Is it just the pavilions? There is enough to drill down on, so he would like to table this ordinance to clean up the language. We need to discuss whether signage confuses or clarifies. He concedes that the people who work in this building would feel better if there was no open carry in Town Hall. Most people are not going to bring an AR15 to Town Hall, or their kids' soccer game, just because they can. Because their neighbors are going to look at them funny. We have ordinances and NC legislation that prohibits brandishing a weapon. We have a means to deal with that. Between the signage, and trying to specify where we would prohibit if we went forward, we need to delay this and have more discussion. There needs to be more specificity. Short of tabling, the other concern he had is that Council has heard from a lot of people. Is it appropriate to put this on the ballot for November and let the citizens decide? Mr. Schifano said no, municipalities are not allowed to do that. Councilman McGrath said OK, he will stick with his desire to table this to get more specificity.

Councilwoman Kelly asked if we put this forward, with the greenways removed and the places named exactly like in the concealed ordinance, and it passes 3-2, when it comes back as unfinished business can it could have amendments or would it need to be the same. Mr. Schifano said there can be minor amendments, made by the prevailing side. Or Council can make their amendments now and vote on it tonight.

MPT Berry said he thinks we need to be very specific. For example Bass Lake Park has a greenway all around the lake. Would open carry be banned in the whole park, or not the greenway? He said he thinks it needs to be more specifically defined.

He thanked everyone who came out. He hopes the process made sense and everyone understood what happened. He said that the mask requirement was the only thing over the last couple of months that received this much comment. That issue was pretty evenly split. But this one was very heavily one sided. It may be only one data point for making decisions for 40,000 people, but it is an indication of what constituents want.

There was discussion as to whether to amend the ordinance in the Motion, or to send it back to be amended and brought back to the September 1st meeting. Consensus was to bring it back.

Mr. Harrington asked for clear direction on expectations around signage if this is going to come back.

Councilman Villadsen asked if adding signing requirements to the ordinance itself endangers the ordinance. Mr. Schifano said adding anything can limit the ordinance. You can leave signage to the discretion of the Manager, rather than writing it into the ordinance that signage is required.

Councilwoman Kelly said she thought striking greenways and not adding park names, puts us in a better place.

Action 2: Motion to defer adoption of Ordinance 20-04, creating a new section 12-353 & 12-355 of the Town Code of Ordinances regulating deadly weapons on Town property, to allow staff to incorporate suggested amendments.

Motion by: Wolff

Second by: Villadsen

Vote:

Aye: McGrath, Kelly, Villadsen, Wolff

Nay: Berry

The motion passes.

A 10 minute recess was called at 10:08 PM.

**18. Avent Ferry Commercial Development Plan 19-DP-23, and
19. Avent Ferry Commerical Developer Agreement**

Sean Ryan, Planning & Zoning said the presentations for these items will be combined because the projects are very closely related. The purpose of the item is to approve a Development Plan for a 24,827 square foot commercial integrated center located at 1201 Avent Ferry Road and to approve a developer agreement. The site is at the corner of Avent Ferry Road and Ralph Stephens Road and is currently zoned LB Local Business and designated Mixed Residential Neighborhood on the Future Land Use Plan. The zoning district sets the standards for the development, which is why staff is presenting a commercial project.

Rachel Jones, Engineering, said that the developer would extend and connect to sewer installed with the Stephens Tract Townhome project, and connect to public water main installed with the Stephens Tract project. A TIA was completed with this project that studied 55 to Ralph Stevens and Avent Ferry to Main. The site would have right in right out access from both Avent Ferry Rd. and Ralph Stephens Rd. and the developer would pay a fee-in-lieu of intersection improvements at Avent Ferry at Ralph Stephens, Main Street at Ralph Stephens, and Avent Ferry at Cass Holt Rd. At Cass Holt and Avent Ferry Rd. there will be restriping and signal modification requirements. At Avent Ferry Road and Ralph Stephens Road there will be a future northbound left turn lane and at S. Main Street, Ralph Stephens and Piney Grove Wilbon there will be a future through right turn lane and signal modifications and upgrade.

Ms. Jones said the road widening across the site on both Avent Ferry and Ralph Stephens would occur with the project and the road widening across Lot 2 on Avent Ferry Rd. would be governed by the Developer Agreement, which is Item 19 on tonight's agenda and being considered concurrently. With the building of Autumn Park there was an agreement that with the development of these projects the road would be widened. Lot 2 will not be developed for two years. Road widening there would be subject to a completion bond for two years after the execution of that Agreement and the bond is good for 3 years. A cost estimate for the widening will be included with the construction drawings.

Councilwoman Kelly asked if the Town was widening the road. Ms. Jones said the developer is developing Lot 1 first, because Lot 2 has a lot of environmental features and challenges so it will be developed later. It is the same owner. Staff agreed to accepting the completion bond for two years to allow him to evaluate that property and submit a Development Plan that includes the road widening.

Mr. Schifano said that the Avent Ferry widening that we are doing ends at Ralph Stephens Rd., so it doesn't touch this piece of property. In this particular event we are looking to require the developer to widen where he is developing right now, and he is agreeing to widen the frontage of Lot 2 within 2 years with a completion bond, which is like an insurance policy. If he doesn't widen it after two years, we can call in that bond and widen it ourselves. Councilwoman Kelly said that in two years we may not have the money to do it. Ms. Jones said that the bond is for 125% of the estimated cost, which should cover cost increases.

Councilman McGrath said if the development is only going on Lot 1, why are we considering Lot 2 right now. Mr. Schifano said it is two parcels, but a condition of the Autumn Park development from 2005 was that if one part was developed it would all get widened. The developer asked for the two year delay.

MPT Berry asked about the sewer being dependent on Stephens Tract, and whether that would keep them from moving forward. Ms. Jones said if they want to move forward before the Stephens Tract they would have to develop it themselves, get the easements, and move forward. MPT Berry said if there are delays, because of the Stephens project, it might go together, but the projects might not move at the same speed. Ms. Jones said that there are conditions that construction drawing approval will not be issued if there is not the ability to connect to utilities. And additional conditions could be added.

Chris Deshazor of the Planning Board said that the Planning Board recommended approval of the development plan 9-0-0. They did not see the developer agreement.

Tom Spaulding of the Spaulding Group said they represent the applicants. Chris Barnes, the architect, was present as was the traffic engineer. He said he would skip the presentation and just answer questions. He said that Mr. Chatterjee did not know about the requirement attached to the property to widen the road. He did know about the sewer connection, right turn lanes, road widening on Lot 1, etc. What the delay on widening allows him to do is put up this really nice building, get it leased so that he can get some income to cover the extra \$500,000 expense that he didn't know about. He does have agreements with Mungo Homes where he is going to pay them to bring sewer to him to do it more quickly. So it will come sooner but will not cost the Town.

Chris Barnes, architect with ORA on Martin St. in Raleigh, said he was very familiar with Holly Springs' requirements. The challenge has been to create a building that meets all those guidelines and creates a building the owner would like.

Councilwoman Kelly asked what kind of tenants he foresaw in the space.

Mr. Spaulding said it would be a neighborhood commercial building with businesses like insurance, retail sales, sandwich shop, that type of thing.

MPT Berry said he thinks this use is something that would add to the land use plan and increase the commercial tax base. He said he has some hesitation on the agreement part. *Caveat emptor* - the buyer should do their due diligence. In this situation, Avent Ferry is not the place to put an hour glass shaped road. It will be a pretty short stretch of road. So that part is tough for him to digest, but he is 100% behind the use and what the applicant is trying to do.

Councilwoman Kelly said she wants to weigh the risks to the Town. If the clock runs out, then what? She asked if there was a way to change the timing on the bonds.

Mr. Harrington, Town Manager, said it is preferable for a developer to do the work, but in this case the Town would have protections in place with the bond.

Mr. Schifano said that the Town is in the design process right now on the widening from Ralph Stephens Rd. to 55. It is better not to have two contractors out there doing the work. This portion could be turned into a fee-in-lieu if the stars align. If they do not, Mr. Chatterjee can do the widening himself and pay the money. These roadway requirements are constitutional exactments. And exactments have to be proportional to the use. Since he is just developing the one parcel we might run into an issue. That was the genesis of the delay. He can develop the corner, receive some income from the property and then make the improvements on Lot 2.

Councilwoman Kelly asked, with two years on the bond, how long it would be until the building on Lot 1 is constructed. Mr. Spaulding said it will take about 4 to 6 months. Councilman

McGrath asked if that meant the start time for the bond is two years after completion of the project. Mr. Schifano said it was two years from the execution of the agreement, which would be within thirty days from tonight.

Councilman McGrath said we need to communicate to everyone who lives off Avent Ferry south of 55, that that Avent Ferry Road will be under construction for the next three years from 55 to Cass Holt Road. We need to get that word out.

Councilwoman Kelly asked if the Town was under risk of having to cover the cost overruns on this if the stars do not align. Mr. Harrington said if the developer does not develop within two years the Town would call the bond, and would manage that project. In the current environment construction inflation is softening. At 125% of cost estimate, the Town would probably be in good shape.

Action (item 18): Motion to approve Development Plan for Avent Ferry Commercial with the conditions listed in the agenda packet.

Motion by: Wolff

Second by: Berry

Vote: Unanimous

Action (item 19): Motion to approve Developer Agreement for Avent Ferry Commercial.

Motion by: Villadsen

Second by: McGrath

Vote:

Aye: McGrath, Kelly, Villadsen, Wolff

Nay: Berry

The motion passed.

MPT Berry explained that his Nay vote was because of the intersection that he spoke about. He doesn't think it's the right place to have that sort of gap in road construction, but he understands the comments around the three years of construction.

Councilman McGrath asked Mr. Harrington to direct the Communications and Marketing Department to communicate to the public that Avent Ferry will be under construction for the next three years.

20. Utley Creek Greenway Phase 2 Design Contract

Matt Beard, Parks and Recreation, said this item was to consider awarding a contract for professional consulting services for Utley Creek Greenway Phase 2. This project supports Strategic Priority 2.1 - expanding greenways. He showed on a map where the Utley Creek greenway Phase 1 is, crossing under GB Alford to the Morgan Park stub. The preferred path would be to follow the creek, which is more aesthetically pleasing and less in the way of future development. The path would connect to Holly Glen sidewalks, and thus to Braxton Village.

Funds (\$300,000) were allocated for project design on June 22, 2020. An additional \$24,602 is being requested because of an expansion of scope due to topography: the length of the project was originally less than one mile, but is now estimated to be 1.2 miles. The length is needed due to topography of the land and to keep the grade ADA compliant. Fourteen proposals were received and a selection team made up of members of Engineering and Parks and Recreation interviewed the top four firms. The criteria for selection included experience in greenway planning and design, strong greenway analysis skillset, emphasis on community engagement, and financial and revenue strategies. The team selected Alta Planning + Design, who will be supported by Three Oaks Engineering and Summit Design and Engineering Services. He said the next steps will be design and permitting which will be completed by September 2021 with funding from Parks and Recreation

Reserves. Construction is expected to be bid in the fall of 2021 with construction to begin in the spring of 2022, with funding from the 2011 Parks and Recreation Bond.

MPT Berry said that Phase 1 already funded, so this is specific to Phase 2. The additional funding is for the increase in length. Staff needs to engage with residents to find the best place to connect. There is Duke land that runs along behind that has trails and people tend to recreate, so the tie-in point would be important to consider.

Mr. Beard said a future thought would be to consider expanding this along behind the neighborhood towards, the west to be a further greenway off the streets.

Councilman McGrath asked about the path and why the connections were shown as they were. Mr. Beard said that there was a steep drop off that prevents the connection being further south and that they are trying to follow the path of the creek as much as possible.

Action 1: Motion to approve budget amendment in the amount of \$24,602 to increase design budget for the Utley Creek Greenway Phase 2.

Motion by: Berry

Second by: Villadsen

Vote: Unanimous

Action 2: Motion to approve design contract in the amount of \$324,601.86 for Alta Planning + Design, Inc. for the design of approximately 6,200 linear feet of greenway.

Motion by: McGrath

Second by: Berry

Vote: Unanimous

21. Force Main Replacement for Avent Ferry Pump Station

Kendra Parrish, Executive Director of Utilities and Infrastructure, said the purpose of this item was to outline the proposed Avent Ferry Force Main Phase 2 Upgrade Construction Project. Improvement of the sanitary sewer infrastructure is required to meet future build-out demand in this basin. The line is 1.6 miles long. The upgrade will be from the current 8-inch line to an 18-inch line from the location of the former Braxton Pump Station to the Utley Creek Wastewater Treatment Plant. The project was advertised and various proposals were received. Staff recommends awarding the contract to the low bidder. An innovative technique allows the line to be replaced in place, thus saving the cost of getting additional easements and still letting the town upgrade to 18" line.

In 2019 meetings were held in Town Hall and presentations made at a Braxton Village HOA meeting. In 2020 survey staking is underway, postcards and other mailings are being sent to affected property owners, and the Engineering Department is coordinating with Communications on a social media campaign. Ms. Parrish outlined the proposed budget of \$2,963,155, which includes contingency. Revenues would come from previously allocated funds from Waste Water Reserves, and installment financing of \$2,963,155.

Councilwoman Kelly asked if any negative comments were received in the outreach. Ms. Parrish said there are some people who have fences on their easements. The Town gives them adequate time to relocate the fence outside of the sewer easement. If they are not able to do that our contractor will disassemble that portion of fence and leave it on the property. Staff got questions about road closings, and they shared with them that we are using directional drilling and would not close an entire street. Also there were questions about noise. The Contractor will not work outside of permitted hours.

Councilman McGrath asked about differences in line item costs from contractor to contractor. Ms. Parrish said the approved plans and permit from the state outlines what has to be done. Sometimes if a contractor has to sub out to a subcontractor it may cost them more. If they do it themselves it can cost less. What staff watches out for is if someone bids high on a line item you

might need to watch out. It doesn't mean that they will do a less careful job - they have to meet the standards. Councilman McGrath said he has heard a lot about erosion lately. Ms. Parrish said we have been having a lot of storms and hearing about problems and staff is trying to stay on top of those.

MPT Berry asked if the Town will still be taking out the higher amount we have gotten approved on for the loan, since the bids are lower than the projected budget. Mr. Harrington said we will take out the lower amount. That was more to protect us for going to the LGC. It was an "up to" amount, but we will take the lower amount.

Action 1: Motion to approve project budget, contingent on LCG loan approval of installment financing) and transfer of funds to the project account in the amount of \$2,863,500.

Motion by: Villadsen

Second by: Kelly

Vote: Unanimous

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

Action 2: Motion to award the Avent Ferry Force Main Project Contracts for a total of \$2,858,500 as detailed in the agenda packet, and authorize the Town Manager to sign and execute said contracts.

Motion by: Kelly

Second by: Wolff

Vote: Unanimous

Action 3: Motion to approve Resolution 20-23, Approving Financing Terms and Documents for Avent Ferry Force Main Project.

Motion by: Berry

Second by: McGrath

Vote: Unanimous

A copy of Resolution 20-23 is attached to these minutes.

22. Fire Truck Installment Financing and Bid Award

Chief LeRoy Smith, Fire Department, said staff is looking at the purchase of a Tiller Fire Truck. When he arrived here his goal was to get to an ISO rating of 2. He had no idea he could get to a 1. They award points for different types of equipment. The standard is 2.5 miles from a ladder truck. If there are 5 buildings of 5 stories or more outside of the 2.5 mile range for a ladder truck the department doesn't get full points. Apartment buildings have sprinklers, but townhomes do not. Firefighters need to be able to access the front and the back of the building. Right now the Town is in a point of our growth where a second ladder truck is needed. The benefits of a tractor drawn aerial or Tiller Fire Truck are enhanced maneuverability, and a further reach from the road. The 107 foot main aerial increase reaches to the top floor of occupancies. It has a lot of compartment space for equipment like portable ladders, in many lengths. Traffic is getting heavier, and roads are tight. There are places where a truck cannot get in and fire fighters need portable ladders.

Councilwoman Kelly asked where this truck would reside. Chief Smith showed the coverage map and discussed what the coverage would look like with the new station at Carolina Springs. The ultimate goal would be two trucks out of each fire station. He said Tiller trucks have been around since the 1800s. They went out of style in the '80s and '90s, but with things becoming more dense these trucks have the advantage of being able to get into places where we can't now.

MPT Berry asked for clarification that the need to staff the truck is not just to get people who know how to drive it, it's tied to how many people are required to staff shifts for 24 hours a day. Chief Smith said that hiring twelve people would give us people to drive the truck 24 hours a day seven days a week.

Patty Dressen, Interim Finance Director, said our Financial Advisor worked closely on this. The winning bidder was JP Morgan Chase at 1.32% over 10 years. At one point we had a bid for 1.9%, and we thought 1.32% was better. MPT Berry asked why we want the no prepayment clause. Ms. Dressen said we would have had to pay 1.9% over 7 years to avoid the prepayment clause. Councilwoman Kelly asked Mr. Harrington if he was confident that the Town could afford the new staff. Mr. Harrington said Council is making a commitment to staff, but is not appropriating money at this time. The delivery time on this truck is 345 days. It will probably bridge two budget cycles. Staff may be added in phases, not all at one time, to add 12 to 15 firefighters. Councilman McGrath said the Town already didn't fund 9-10 law enforcement officers this year, and now we're asking for another 12, so we've got about 20 positions to staff next year. Mr. Harrington said, going back to the budget workshop, he did foreshadow this. Over the next 1 or 2 years the Town will have some budgetary pressure in the public safety arena.

Action 1: Motion to reject the lowest bid for being unresponsive.

Motion by: Villadsen

Second by: Berry

Vote: Unanimous

Action 2: Motion to award bid for Fire Tiller Truck to Atlantic Emergency Solutions.

Motion by: McGrath

Second by: Kelly

Vote: Unanimous

Action 3: Motion to adopt Resolution 20-04 awarding bid to JP Morgan Chase Bank for financing terms of Fire Tiller Truck.

Motion by: Kelly

Second by: Wolff

Vote: Unanimous

A copy of Resolution 20-24 is attached to these minutes.

Action 4: Motion to approve budget amendment for \$1.2 million to Fire Capital Outlay for the purchase of a Tiller Truck.

Motion by: Berry

Second by: McGrath

Vote: Unanimous

OTHER BUSINESS

Mayor Sears said as of Friday there have been 261 cases of COVID 19 and only 1 death in the Holly Springs zip code.

MPT Berry said that one of the things that has gotten lost over the last few months are the finance actions. He wanted to thank the Finance staff, Patty Dressen, and Randy Harrington for these finance actions to bring huge savings to our taxpayers. He said it was really strong work. The move to the new Financial Advisor is bringing us dividends. Secondly, he thanked Chief Smith for the COVID testing. Last week there were COVID tests for employees, and today there was testing for residents.

Councilwoman Kelly also thanked staff for all the money they are saving the Town. Also Holly Springs has reached 82% response rate for the Census and that is big. She called out teachers and scholars, and their parents for figuring the 2020-21 school year out and being flexible with the new requirements due to COVID. We have a lot of teachers who show their love to the

children in the Town. Today, 100 years ago, the 19th amendment was ratified recognizing women's right to vote. And after that, the fight continued with the Voting Rights Act of 1965 ensuring the right to vote regardless of race. August 6th was the 50th anniversary of that Act. She told citizens to honor the people who worked for these by exercising your right to vote, in person or by absentee ballot. She said she has ballot applications in a box outside her house for people to pick up.

Councilman McGrath said the second landfill workgroup meeting was tonight. In positive news, GFL has taken some constructive and positive measures towards the operations side, including investment in a new dozer pusher and two fill trucks that are completely covering the open face daily. New management is coming in who have turned other landfills around. The posi-shell study will be finishing at the end of this month and they will put a report out for that. He also had a meeting today on exploring creating a task force with Pastor Brown, Rev Cofield and Chanel Wilkins, and the Mayor and MPT Berry came for a few minutes each at different times. He said they generated multiple ideas in that hour and a half. He wants to branch that out to include more people.

Councilwoman Kelly asked for more explanation on what this involves, because she hadn't heard about this meeting. Councilman McGrath said this was a follow-up exploratory meeting to see how we could bring this forward. He said it was not anything official or Town sanctioned at this time. Councilman Wolff asked if it was still centering on the pandemic and its effects. It sounds more wide-reaching. Councilman McGrath said it was all of that. Figuring out what are the gaps in coverage, and what are the organizations that can assist in bridging those gaps. At some point he would like to make this a larger discussion in an open meeting. Councilwoman Kelly said she wants to make sure what the scope of this is, and whether he would bring it back to Council. Councilman Wolff said it feels like the goals and scope have become less defined than the original proposal, perhaps broader. The original proposal was in response to COVID and the economic impacts, and it feels like it has moved to broader topics. Councilman McGrath said some of the broader topics were brought up by other individuals. This is bringing people together to find intersecting circles of influence and problems. If that is what he can define, it is bringing people together to solve common problems.

MANAGER'S REPORT

Randy Harrington, Town Manager, said he had a few items. First, for Council's information, the Planning Board Chair Dana Rybak had requested to have their August meeting virtually rather than in person. She received feedback that the group would feel more comfortable with that. He recognized Patty Dressen and her team for all their work on the audit and refinancing to save the Town money. The DEC Associates, our new Financial Advisor, will be here at the October meeting to make a presentation.

Since our last Council meeting, Paul Liquorie has been named as Holly Springs' new Police Chief. His first day is September 7th. He said that staff is thinking about innovative ways to introduce him to the community, given the current environment. He is very excited about moving to Holly Springs and when we introduce him formally there will be more information about the process.

Finally, he said that under the current mass gathering restrictions in the state there is no way to hold HollyFest in the way the Town has done it in the past. There is a lot of uncertainty on what restrictions will be in place then. Parks and Recreation is getting close to presenting ideas to him on how to hold HollyFest this year and he will get back to Council when he has heard their ideas.

CLOSED SESSION: The Council entered into closed session, pursuant to N.C.G.S. 143-318.11(a)(5) to discuss a real estate matter, N.C.G.S. 143-318.11(a)(3) and to consult with the Town Attorney on potential litigation involving developer of the 241 Main St. Project.

Motion by: Berry

Second by: Villadsen

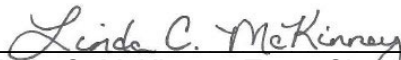
Vote: Unanimous

Motion to leave closed session was made by Councilman Villadsen, seconded by Councilman McGrath and passed with a unanimous vote.

Back in open session, Town Attorney, John Schifano informed Council about progress with the Lowe's Pump Station, which is necessary for progress on several other projects in the area. The pump station came in around \$600,000 above the engineer's estimate. The Engineering department was able to value engineer it to the point where it was only \$300,000 above the estimate. Staff negotiated with the developer to amend the developer agreement to indicate the Town would pay \$120,000 of the overage and the developer would pay \$180,000 of the overage, and other concessions. Mr. Schifano asked Council's openness for him to bring this amended agreement to them at their September 1, 2020 meeting, and the consensus was for him to do that.

Adjournment: Councilman Villadsen made a motion to adjourn at 12:21 am. It was seconded by Councilman McGrath and passed with a unanimous vote.

Respectfully Submitted on Tuesday, September 1, 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

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 8.

Consent Agenda

Title: Resolution for Town Attorney to petition court for compliance of the minimum housing ordinance.

Strategic Priority Area: Safe & Friendly

Staff Resource: Daniel Pope, Director, Code Enforcement, Andrew Rubley, Code Enforcement

Action(s):

Adopt Resolution 20-26 directing the Town Attorney to petition the Superior Court for an order directing owner to comply with Minimum Housing Standards.

Explanation:

- In accordance with Article IV, Section 6-121 of the Municipal Code, the purpose of Minimum Housing Standards is to protect the health, safety, and welfare of the residents of the town by establishing minimum standards for fitness and continued occupancy of all buildings used for human habitation as authorized by N.C.G.S. 160A-444.
- Article IV, Section 6-135 outlines the procedure for enforcement.
- Staff has found the structure located at 405 Bass Lake Road to be dilapidated and unfit for human habitation. Staff has been working to gain compliance since February 2020.
- The items noted in the minimum housing case include faulty electrical, deteriorating structural elements such as roof, flooring, and walls, and inadequate plumbing fixtures.
- After a hearing where the owners and occupants had notice, the Code Enforcement Officer prepared a written order to the owners of the property ordering them to comply with the minimum standards of fitness by the Town Code of Ordinances or alternatively to vacate and remove or demolish the structure. The ordinance allows the homeowner to appeal the order, and the time to appeal has expired.
- Because the owner has failed to comply with the Code Enforcement officer's order, the inspector is submitting to the Town Council a resolution directing the town attorney to petition the superior court for a court order directing such owner to comply with the order of the inspector, as authorized by G.S. 160A-446(g). The order will first ask for the court to compel compliance with repairs. In the event that fails the structure will need to be demolished.
- Staff has attempted to provide assistance to owners by advocating to several non-profit organizations on their behalf.

Background:

- A charitable non-profit agency advised Town officials of a concern with a dwelling and its condition for habitation located at 405 Bass Lake Road.
- February 7 - Code Enforcement investigated dwelling.
- February 12 - Notice of Violation and Hearing sent to property owner and occupants.
- February 21 - Delivered list of agencies for owner to contact for assisting of repairs.
- March 3 - Hearing conducted and Order of the Code Enforcement Officer issued.

Town Council Business Meeting
September 1, 2020

- March 6 - Delivered Order to property owner and occupants.
- June 6 - Deadline for repairs by maximum time allowed in ordinance. Staff found no repairs have been made other than Holly Springs Fire Department installing smoke detectors and alarms.
- June 6 to current date - Staff has assisted owners to locate a funding source for repairs
- A more detailed timeline is attached for reference.
- As a whole, the town has been involved in 21 minimum housing cases since January 2019. To date, 16 of the 21 cases have been resolved and the remaining are actively being repaired except for the subject property.

Funding Source(s):

N/A

Attachment(s):

1. Resolution 20-26
2. Notice of Violation- pdf
3. Notice of Hearing pdf
4. Non Profit List
5. Order of Code Enforcement Official- pdf
6. Notes 405 Bass Lake Rd



THE TOWN OF

Holly Springs

Resolution No.: 20-26

Date Adopted: September 1, 2020

Effective Date: September 1, 2020

**RESOLUTION OF THE TOWN OF HOLLY SPRINGS TOWN COUNCIL
DIRECTING THE TOWN ATTORNEY TO PETITION WAKE COUNTY SUPERIOR
COURT FOR AN ORDER DIRECTING OWNER OF 405 BASS LAKE ROAD TO COMPLY
WITH THE ORDER OF THE CODE ENFORCEMENT OFFICER**

WHEREAS, the municipal code of the Town of Holly Springs ("Town") Section 6-123 establishes minimum standards for residential structures, to assure the protection of the health and safety of the residents of Holly Springs;

WHEREAS, the Town was notified of possible code violations at 405 Bass Lake Road ("the Property"), on January 1, 2020;

WHEREAS, the Property was inspected for compliance with the minimum housing ordinance by the Town on February 7, 2020, and numerous violations were found. Notice of Violation and Notice of Hearing was sent to the owners and occupants of the Property on February 12, 2020;

WHEREAS, staff delivered lists of local agencies that might provide assistance in February, June, and July of 2020 and attempted to connect the owner with these agencies;

WHEREAS, a hearing was conducted on March 3, 2020 giving the owner and occupants a chance to speak on behalf of the property, at which an Order of the Code Enforcement Officer was entered, finding the structure to be dilapidated and unfit for human habitation, and directing the owner to comply with the minimum standards or else vacate and remove or demolish the structure by June 5, 2020;

WHEREAS, on June 6, 2020 no repairs had been completed, and owner/tenants stated that no repairs had been started other than the installation of smoke detectors;

WHEREAS, on July 8, 2020 the Code Enforcement Officer made a site visit and determined that there had been no progress made on the east side of the structure to get the property in full compliance with the trash and debris ordinance;

WHEREAS, staff continued throughout June and July to assist the owner/tenant to find sources of assistance to bring the property into compliance;

Office of the Mayor

P.O. Box 8 • 128 S. Main Street • Holly Springs, NC 27540 • www.hollyspringsnc.us

Email: dick.sears@hollyspringsnc.us

WHEREAS, on August 6, 2020 no applications for permits have been received by the Town for work to bring the Property into compliance;

NOW THEREFORE, BE IT RESOLVED by the Town Council to direct Town Attorney, pursuant to N.C.G.S. § 160A-446(g), to petition the Wake County Superior Court for an Order directing the Owner of 405 Bass Lake Road to comply with the Order of the Code Enforcement Officer of the Town of Holly Springs, dated March 4, 2020.

Adopted by the Holly Springs Town Council on this, the 1st day of September 2020.

Town of Holly Springs by

ATTEST:

Dick Sears, Mayor

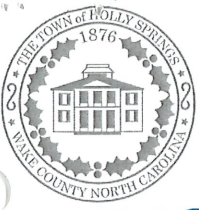
Linda McKinney, Town Clerk



Office of the Mayor

P.O. Box 8 • 128 S. Main Street • Holly Springs, NC 27540 • www.hollyspringsnc.us

Email: dick.sears@hollyspringsnc.us



THE TOWN OF

Holly Springs

Code Enforcement Notice of Violation

PIN: 0659401777

Code Enforcement Case: 2020:00000006

Sent Via Hand Delivered

February 12, 2020

Violation of Town Code 6-123

Sarah McNeil
401 Bass Lake Rd.
Holly Springs, NC 27540

Re: Dwelling at 405 Bass Lake Rd.
Parcel #: 0659401777
Assessed Building Value: \$0

The Town of Holly Springs has a code, which sets minimum standards for residential structures. The purpose of this code is to assure the protection of the health and safety of the residents of our community.

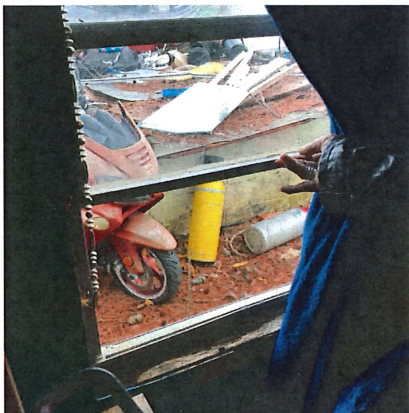
The property referred to above was inspected on Friday, February 7th, 2020, to determine its compliance with the housing code. As a result of the inspection, it appears certain safety and health standards prescribed in the housing code are not being complied with and the dwelling may be unfit for human habitation if not corrected. Inspection results are as follows:

Exterior

Section 6-128 (c) Windows and doors. Every window, exterior door, basement or cellar door and hatchway shall be substantially weather tight, water tight, and rodent proof and shall be kept in sound working condition and good repair.

1) Front Entrance Windows:

- a) No screen on window. Windows must have screens to prevent insects and other pests from entering.



Section 6-128 (d) *Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable to supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and in good repair.*

1) Deck located on side of the structure:

- a) Loose railing, unsecured feet, and rotten wood: Deck must be maintained so it will not break or collapse from everyday normal usage.



2) Missing or damaged balusters on screen porch.

- a) Must be in good working condition so it will not fail or collapse from everyday normal use.



Section 6-124 (g) *The roof, flashings, exterior walls, basement walls, floors, and all doors and windows exposed to the weather shall be constructed and maintained so as to be weather tight and watertight.*

1. Roof:

- a) Part of roof has a tarp, which would indicate there is a hole in roof, which would indicate a leak(s) from inside ceiling. May also admit rodents and other unwanted vermin.



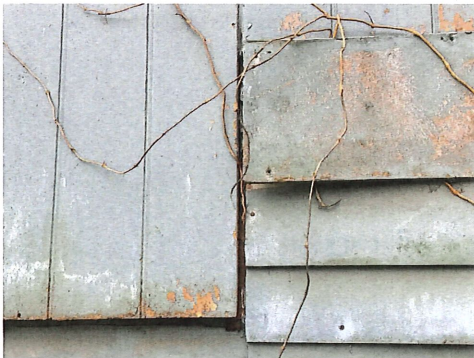
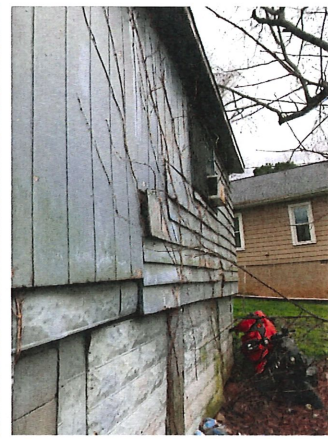
- b) Eaves are rotten and in disrepair, which might admit rodents and welcome other unwanted animals.



Section 6-124 (a) *Walls or partitions or supporting members, sills, joists, rafters or other structural member shall not list, lean or buckle and shall not be rotted, deteriorated or damaged, and shall not have holes or cracks which might admit rodents.*

1. Structural member:

- a) Structure has siding that is rotten and soft, which might admit rodents.

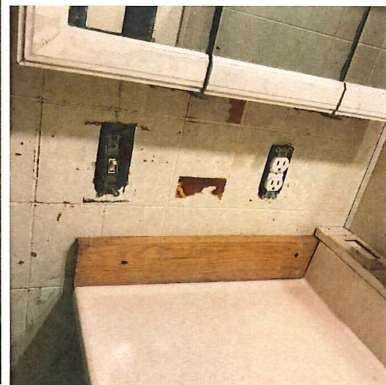


Interior

Section 6-125 (c) (3) *All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the town electrical code.*

1. Kitchen, living room and bedrooms (throughout the home):

- a) Many places inside of the home have missing cover plates, the electrical equipment is not in good repair.



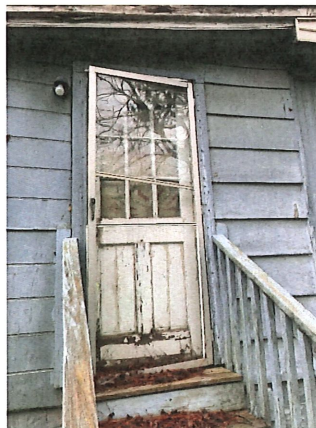


- b) Outside receptacle is missing a cover guard. Receptacle must be protected against rain and other weather elements.

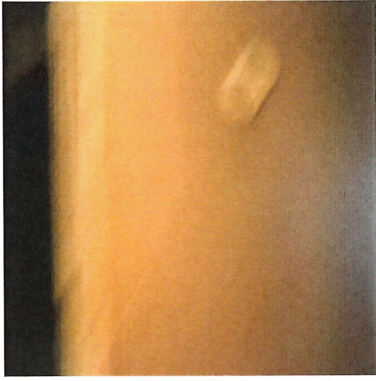


Section 6-124 (e) Adequate facilities for egress in case of fire or panic shall be provided.

1. Exterior door:
 - a) Could not access or open exterior door(s) on sides of house at time of inspection.



2. Smoke Alarm
 - a) There were no smoke alarms present at time of inspection. (Holly Springs Fire Department stated they installed five smoke detectors after the inspection on 2/7/20. Will inspect for verification at time of reinspection.)



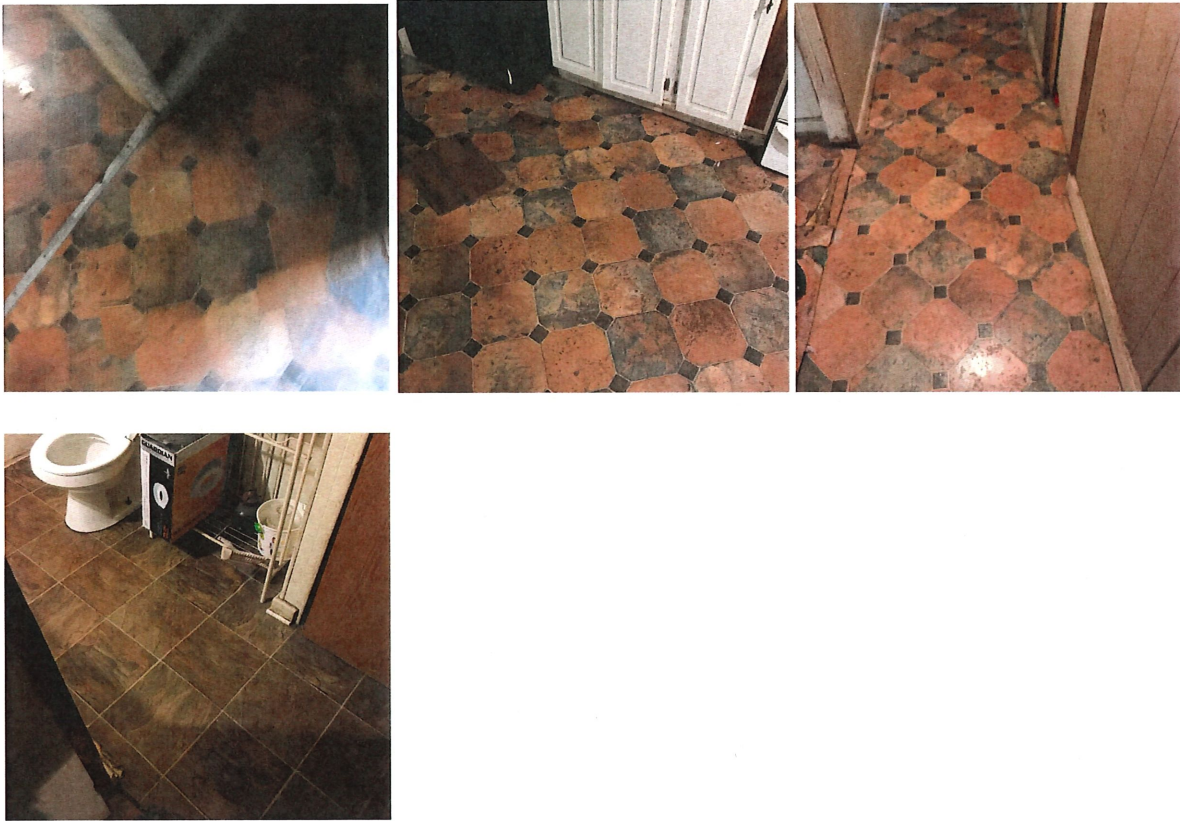
Section 6-125 (a) (3) *All plumbing fixtures shall meet standards of the town plumbing code and shall be maintained in a state of good repair and in good working order.*

1. Plumbing System: Part of the plumbing system was not in operation at time of inspection.
 - a) Bathroom sink did not function at time of inspection for unknown reasons.



Section 6-128 (b) *Interior floors, walls, ceilings. Every floor, interior wall and ceiling shall be substantially rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.*

1. Flooring:
 - a) Soft flooring throughout entire structure needs to be maintained in good working condition and safe to use. Must be capable of supporting a load from everyday normal use. Would advise getting a letter from a structural engineer that floor is in good safe working condition.



- b) Flooring ripped up. Must be in a good condition to not cause a tripping hazard for occupant(s).



2. Ceiling:

- a) Large water stain on the ceiling in the kitchen. That would indicate that the roof may have a significant leak.



- b) Ms. Stone stated ceiling leaks in the living room where photo was taken.



3. Walls

- a) Walls have holes or defects. They must be in good working condition and sound repair to keep rodents from entering.



Section 6-126 (c) Bathroom and water closet room. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms and water closet rooms equipped with an approved ventilation system.

1. Bathroom:

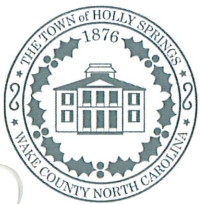
- a) Ventilation system not in working condition. There were no windows for ventilation and the fan was not in working condition to provide proper ventilation.



Should you have any questions regarding this Notice of Violation, please call me at 919-557-3907. I look forward to our discussion at the hearing.



Andrew J. Rubley
Code Enforcement/ Safety Officer
Town of Holly Springs
Phone: 919-557-3907



THE TOWN OF

Holly Springs

February 12, 2020

Sarah McNeil
401 Bass Lake Rd.
Holly Springs, NC 27540

Re: Dwelling at 405 Bass Lake Rd.
Parcel Number: 0659401777

Code Enforcement Notice of Hearing

PIN: 0659401777

Code Enforcement Case: 2020:00000006

Sent Via Hand Delivered

The Town of Holly Springs has a code, which sets minimum standards for residential structures. The purpose of this code is to assure the protection of the health and safety of the residents of our community.

The property was inspected on Friday, February 7, 2020 to determine its compliance with the minimum housing code. As a result of this inspection, it appears that there are multiple, substantial, safety and health standards prescribed in the Minimum Housing Code that are not being complied with as indicated on the enclosed inspection document. The dwelling may be unfit for human habitation, deteriorated, or dilapidated and is in violation of the Town Code.

Part of the Town's procedures to determine whether code violations exist is to give interested people the opportunity to provide information about their property. In order to help us make a determination about the condition of the property referenced above, a hearing will be held **on Tuesday, March 3, 2020 at 9:30am**, located at 128 South Main Street Holly Springs, NC 27540.

All owners and other parties of interest have the right to file and answer to the complaint, appear in person, or contact me at my office or in writing, or by telephone to show just cause why the house is in full compliance towards the Minimum Housing Code.

Should you have any questions regarding this Notice of Hearing, please call me at 919-557-3907.

Andrew J. Rubley
Code Enforcement/ Safety Officer
Town of Holly Springs

Department of Code Enforcement

P.O. Box 8 • 128 S. Main Street • Holly Springs, NC 27540 • www.hollyspringsnc.us
Main Office 919.557.3915

Non-Profit Organizations

Contact List

1. Centre for Homeownership & Economic Development Corporation
<https://homeownershipcentre.org/#services> (919) 241-4718
 - **Services Provided:** Hurricane Disaster Recovery, Homelessness Counseling, Fair Housing Counseling, Affordable Housing Opportunities, Reverse Mortgage Counseling, Veteran Counseling
2. Consumer Educational Services, Inc. <https://www.cesisolutions.org/> (866) 635-6189
 - **Services Provided:** Debt Management, Bankruptcy Counseling, Housing Counseling, Credit Counseling, Financial Education
3. DHIC, Inc <https://dhic.org/> (919) 832-4345
 - **Services Provided:** Connect residents to resources that facilitate healthy living, increase educational opportunities and financial stability, and cultivate community cohesion.
4. Habitat for Humanity of Wake County <https://www.habitatwake.org/> (919) 833-1999
 - **Services Provided:** Home Preservation Application
5. North Carolina Department of Health and Human Services: Independent Living Rehabilitation Program- Raleigh <https://www.ncdhhs.gov/assistance/low-income-services/housing-home-improvement-assistance> (919) 859-8301
 - **Services Provided:** Modifying home to meet individual needs, personal assistance services
6. Johnson- Lee- Harnett- Community Action, Inc. <https://www.jlhcommunityaction.org/> (919) 934-2145
 - **Services Provided:** Rapid Rehousing: designed to house homeless individuals and/or families that HUD defines as people who are living in a place not meant for human habitation.
7. Raleigh Area Development Authority <https://rada-nc.org/> (919) 807-8400
 - **Services Provided:** Predatory Lending Education Workshops, Budget Counseling, Financial Management, Mortgage Delinquency and Default Resolution Counseling, Fair Housing Pre-Purchase Education Workshops
8. Rebuilding Together of the Triangle <https://www.rttriangle.org/> (919) 341-5980 (Ask for Shawnette)
 - **Services Provided:** Home Repair: Single Family Rehab Program
9. Reinvestment Partners <https://reinvestmentpartners.org/> (919) 677-1000
 - **Services Provided:** Purchase/ Remove/ Renovate blighted properties
10. Resources for Seniors, Inc. <http://www.resourcesforseniors.com/index.php> (919) 872-7933 (Mark Valetta: 919-713-1540)
 - **Services Provided:** Urgent Repair Program
11. Wake County: (Arlene Vinson: avinson@wakegov.com 984-205-5702)
<http://www.wakegov.com/housing/Pages/homeownership.aspx>
 - **Services Provided:** Elderly and Disabled Homeowner Grants: Modest repairs, program serves people who earn at or below 50% of the area median income
 - **Services Provided:** Emergency Grant Program: Emergency fixes include heating, well/ septic, roof and electrical. Earning at or below 40% of the median income (\$30,640 family of 4).

12. Western Wake Crisis Ministry: <http://wwcm.org/> (919-362-0657)

- **Services Provided:** HOME Project: Helping combat homelessness or individuals who are vulnerable to becoming homeless.



THE TOWN OF

Holly Springs

Order of the Code Enforcement Officer

PIN: 0659401777

Code Enforcement Case: 0000006

Sent Via Hand Delivered:

March 4, 2020

Sarah McNeil
401 Bass Lake Rd.
Holly Springs, NC 27540

Re: Dwelling at 405 Bass Lake Rd.
Parcel #: 0659401777
Building Assessed Value: \$0

The property referred to above had a hearing conducted on Tuesday, March 3, 2020. The purpose was to determine its compliance with the minimum housing code and give interested parties a chance to speak on behalf of the property. Because of the hearing, it appears certain safety and health standards prescribed in the housing code are not being complied with.

Based on the foregoing FINDINGS OF FACT, the undersigned concludes that the structure(s) located at 405 Bass Lake Road. s been found to be dilapidated and unfit for human habitation. **You are hereby ORDERED to comply with the minimum standards of fitness established by the ordinance in Section 6-123, or else vacate and remove or demolish the structure(s).** You have until June 5, 2020 to come into compliance with the order.

The purpose of this code is to assure the protection of the health and safety of the residents of our community.

Should you have any questions regarding this Order, please call me at 919-557-3915.

Daniel J. Pope
Chief Code Enforcement Officer & Hearing Officer
Town of Holly Springs
128 S. Main St.
Holly Springs, NC 27540
Phone: 919-557-3915

Department of Code Enforcement

P.O. Box 8 • 128 S. Main Street • Holly Springs, NC 27540 • www.hollyspringsnc.us
Main Office 919.557.3915

Timeline 405 Bass Lake Rd.

Minimum Housing Case

August 6th, 2020

The Town has a housing ordinance which sets minimum standards for residences within the Town limits. The purpose of this ordinance is to assure protection of the health and safety of the residents of our community. Town staff received a notification for a possible minimum housing code violation at 405 Bass Lake Road by a community assistance program. This property also has other nuisance violations staff is working with the owners to gain compliance.

1. January 1, 2020
 - a. Town was notified by phone about possible code violations within the structure by another agency supporting the tenants.
2. February 7th, 2020
 - a. The property was inspected for compliance with the minimum housing ordinance.
 - b. Town staff contacted HSFD to immediately install smoke detectors in the residence as part of their "PRIDE" program.
3. February 12, 2020
 - a. Notice of Violation and Notice of Hearing was sent to the owners and occupants.
4. February 21, 2020
 - a. Staff delivered owners a list of 10 local agencies to contact that may provide some financial assistance for repairs.
 - b. Staff is continuing to identify other possible solutions to assist the owners to obtaining compliance.
 - c. Owners stated they contacted Habitat for Humanity and said they do not work on old manufactured homes.
5. March 3, 2020
 - a. Hearing was conducted at 9:30am and gave the owner and occupants a change to speak on behalf of the property.
 - i. Town staff issued an Order of the Code Enforcement Officer finding the structure to be dilapidated and unfit for human habitation.
 - ii. Owner was directed to comply with the minimum standards or else vacate and remove or demolish the structure by June 5th, 2020.
 - iii. Chief Code Enforcement Officer gave the maximum time allowed for compliance; 90 days.
6. March 6, 2020
 - a. Staff delivered the Order of CEO to property owner and tenants.
7. May 28, 2020
 - a. Staff asked permit and plans reviewer if they had received any permits for repairs. They said no.
8. June 6, 2020
 - a. Compliance date per Order of the Code Enforcement Officer.

- i. Property was found to not have compliance with any item other than smoke detectors HSFD installed.
- 9. June 8, 2020
 - a. Staff contacted the owner/ tenants to identify progress.
 - b. Owner/ tenants stated no items have been repaired nor started.
- 10. June 18, 2020
 - a. Assistant Town Manager, Code Enforcement Director and Code Enforcement Officer had a meeting about next steps since structure is still non-compliant.
- 11. June 23, 2020
 - a. Code Enforcement Officer reached out to Rebuilding Together of the Triangle and spoke with the Program Director.
 - i. Program Director asked for some information and would look into case.
- 12. June 24, 2020
 - a. Code Enforcement Officer reached out to Resources for Seniors. (Mark Valetta)
 - i. Asked for information about Urgent Repair Program.
- 13. July 7, 2020
 - a. Emailed Heather with Rebuilding Together of the Triangle.
 - i. She stated that they received property owner/ tenant's application.
 - ii. On waiting list.
 - iii. Between 2-4 year wait period.
 - b. Emailed Mark Valetta again (Resources for Seniors).
 - i. No response to date.
- 14. July 8, 2020
 - a. Code Enforcement Officer made a site visit.
 - b. There has been no progress made on the east side of structure to get property in full compliance with trash and debris ordinance.
- 15. July 10, 2020
 - a. Staff had a meeting with Sean Ryan (Planning and Zoning) to discuss issue of affordable housing.
 - i. Mr. Ryan gave additional organizations to reach out to.
 - 1. Western Wake Crisis Ministry
 - 2. Arlene Vinson of Wake County
- 16. July 13, 2020
 - a. Code Enforcement Officer spoke to Program Director or Wake County (Arlene Vinson) about the Emergency Grant Program and Elderly and Disabled Program.
 - i. Program Director advised Andrew Rubley to have owners call them.
- 17. July 20, 2020
 - a. Code Enforcement Officer notified owners/ tenants to call Wake County and speak to Ms. Vinson.
- 18. July 21, 2020
 - a. Western Wake Crisis Ministry:
 - i. Code Enforcement Officer called Western Wake Crisis Ministry and spoke to a social worker.
 - 1. They do not provide for an emergency home repair program.
 - 2. They can help pay a portion of overdue bills and can refer to other agencies for other assistance mechanisms.
 - b. Staff called owner/ tenant

- i. Gave new number for Arlene Vinson of Wake County.
- ii. Owner/ tenant stated that Habitat for Humanity has since put them on a waiting list.
- iii. No indication of time.

19. July 27, 2020

- a. Code Enforcement Officer, Code Enforcement Director and Assistant Town Manager had a meeting to discuss next steps to try and obtain compliance.
 - i. Identify more ways to try and help owners/ tenants.

20. July 28, 2020

- a. Owner/ tenant called and provided an update.
 - i. Ms. Stone said Habitat for Humanity put them on a waiting list for possible repairs. No timetable was given.
 - ii. Ms. Stone said that she called and spoke to Arlene Vinson from Wake County.
 - iii. They do not work on older manufactured homes.
 - iv. Not on permeant foundation.
 - v. Ms. Stone had an electrician stop by.
 - vi. Ms. Stone had questions about an electrical permit.
 - 1. Staff told her the cost.
 - vii. Ms. Stone said she would stop in Town Hall to pick up electrical permit on July 29, 2020.
- b. Code Enforcement Officer emailed Ms. Vinson of Wake County to verify statement by owner/ tenant.
 - i. Ms. Vinson confirmed they do not work on manufactured homes if they are not on a permeant foundation.

21. August 6, 2020

- a. No electrical permit has been located in software.

End of Notes:



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 9.

Unfinished Business

Title: Deadly Weapons Ordinance - Ordinance 20-04

Strategic Priority Area: Safe & Friendly

Staff Resource: John Schifano, Town Attorney, Paul Allen, Asst. Town Attorney

Action(s):

Approve/deny Ordinance 20-04 - Prohibition on Open Carry or Display of Weapons on Town Property and Town Parks and Recreational Facilities.

Explanation:

- Town Council has recognized that no provision exists in the current Code of Ordinances to regulate the open carry of firearms or other deadly weapons on Town property.
- To address this concern, Town Council has requested ordinance provisions to discuss and potentially address the ability to open carry firearms and other deadly weapons on Town property.
- NCGS 160A-75 requires that this ordinance requires a vote equal to or greater than two thirds (ie, at least a 4 to 1) vote for ratification at the meeting the ordinance is first introduced. If this matter passes by simple majority, a second vote (majority only) would be required at the next town council meeting to enact the ordinance.

Background:

- At the May 19, 2020 Town Council meeting, a concern was raised by a council member over the lack of restrictions on weapons within Town facilities and athletic areas in Holly Springs. The Town Council agreed to discuss the topic at a workshop.
- At the July 14, 2020 Town Council workshop, council members engaged in a debate on the merits of such an ordinance and received input from Town staff regarding the issue. The Council, through a vote, directed staff to draft an ordinance to address weapons on Town property for consideration.
- At the August 18, 2020 Town Council meeting, two separate firearms and weapons related ordinances were discussed to cover the open carry and concealed carry of firearms and deadly weapons on Town property as well as the penalty and exceptions to such ordinances.
- On August 18, the Council voted to deny the conceal carry ordinance and voted to defer the open carry ordinance for further consideration and revisions. A revised ordinance is attached which eliminates the prohibition of open carry on greenways, as well as it specifically lists the public parks in town to which the prohibition applies.

Funding Source(s):

N/A

Attachment(s):

1. 7-14-20 Workshop Presentation
2. 20-04 Prohibition on Open Carry or Display of Weapons Town Council (REvised)

Consideration of Potential Weapons Restrictions on Town Property

Town Council Workshop
July 14, 2020



Town of
HOLLY SPRINGS

Purpose:

- Following Council's direction to discuss this topic at the July Workshop, staff will provide background information, legal considerations and available data regarding weapons ordinances in Wake County and weapons at town facilities.

Action:

- For Council Discussion



Parks & Recreation Advisory Committee Recommendation

- **December 2019** - Discussion re: Park Ordinances
- **March 2020** – Motion to recommend to Town Council to pass the park ordinance with possibility to prohibit all firearms (both concealed and open-carry) at town athletic facilities.
 - Focus on “competitive venues”
 - Town owned athletic fields, courts and indoor recreation facilities



General Statute Authorization

- N.C. Gen. Stat. § 14-415.23
 - (a)- It is the intent of the General Assembly to prescribe a uniform system for the regulation of legally carrying a concealed handgun. To insure uniformity, no political subdivisions, boards, or agencies of the State nor any county, city, municipality, municipal corporation, town, township, village, nor any department or agency thereof, may enact ordinances, rules, or regulations concerning legally carrying a concealed handgun. A unit of local government may adopt an ordinance to permit the posting of a prohibition against carrying a concealed handgun, in accordance with G.S. 14-415.11(c), on local government buildings and their appurtenant premises.
 - (b)- A unit of local government may adopt an ordinance to prohibit, by posting, the carrying of a concealed handgun on municipal and county recreational facilities that are specifically identified by the unit of local government. If a unit of local government adopts such an ordinance with regard to recreational facilities, then the concealed handgun permittee may, nevertheless, secure the handgun in a locked vehicle within the trunk, glove box, or other enclosed compartment or area within or on the motor vehicle.



Prohibitions in Other Wake County Municipalities

MUNICIPALITY	OPEN CARRY		CONCEALED	
	Town Facility	Park/Rec. Facility	Town Facility	Park/Rec. Facility
Raleigh	✓	✓	✓	✓
Cary	✓	✓	✓	✓
Garner	✓	✓	✓	✓
Wendell	✓	✓	✓	✓
Rolesville	✓	✓	✓	✓
Morrisville	✓	✓	✓	✓
Apex		✓	✓	✓
Wake Forest		✓	✓	✓
Knightdale	✓		✓	
Fuquay-Varina			✓	✓
Zebulon				
Wake County	✓	✓	✓	



HSPD Service Call Data

- Since 2009, HSPD has had two calls involving weapons on town property. Neither call resulted in charges.
- Apex PD, Cary PD and Fuquay-Varina PD responded that they do not keep statistics on local ordinance violations.



Discussion





THE TOWN OF

Holly Springs

Ordinance No.: 20-04

Date Adopted: September 1, 2020

Effective Date: September 1, 2020

AN ORDINANCE TO AMEND THE TOWN CODE OF ORDINANCES OF HOLLY SPRINGS TO CREATE NEW SECTIONS IN CHAPTER 12, PUBLIC SAFETY, ARTICLE VI, DIVISION 3

BE IT ORDAINED by the Holly Springs Town Council of the Town of Holly Springs, North Carolina, that the Code of Ordinances of the Town is amended as follows:

PART 1:

Sec. 12-353. - Prohibition on Open Carry or Display of Weapons.

(A) Open Carry in Town Buildings. It shall be unlawful for any person to openly carry, possess, or display a deadly weapon or firearm, including any handgun, pistol, rifle, shotgun, air rifle, BB gun, pellet gun, or any other weapon which fires a missile or other high speed projectile, knives or blades longer than 3 inches and any other deadly weapon as defined under North Carolina General Statute § 14-269(a) on any Town-owned or controlled buildings and any appurtenant premises.

(B) Open Carry in Town Parks And Recreational Areas. It shall be unlawful for any person to openly carry, possess, or display a deadly weapon or firearm, including any handgun, pistol, rifle, shotgun, air rifle, BB gun, pellet gun, or any other weapon which fires a missile or other high speed projectile, knives or blades longer than 3 inches and any other deadly weapon as defined under North Carolina General Statute § 14-269(a) within Town owned recreational facilities, athletic facilities, playgrounds, or any athletic field as defined in North Carolina General Statute § 14-415.23. This prohibition shall apply to the following locations in Town:

- a. Ting Park
- b. Bass Lake Park
- c. Womble Park
- d. Veterans Park
- e. Hunt Recreation Center
- f. Sugg Farm
- g. The Pit at Womble Park
- h. Jones Park
- i. Park area at Cass Holt
- j. Mims Park
- k. Town park at Carolina Springs (to be built)
- l. Any scheduled use of any town picnic shelter

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Email: dick.sears@hollyspringsnc.us

m. The Town Cemetery

This prohibition does not apply to greenways, open spaces, sidewalks, walking paths, or any other area not specifically identified.

(C) Posting. The Town Manager or their designee is hereby authorized and instructed to post conspicuous signage at appropriate locations on or within each Town owned building or recreational facility and the grounds and parking areas of such buildings owned or controlled by the Town, as well as any other appurtenant premises to such buildings, indicating that openly carrying a handgun or deadly weapon is prohibited. The Town Manager or their designee shall exercise discretion in determining the number and appropriate location of signs to be placed.

Sec. 12-354. – Penalty, Exceptions

- (A) Penalty. The open carrying, possession, or display of any firearm or other deadly weapon as defined in Sec. 12-353, shall constitute a misdemeanor or subject to a fine as provided by G.S. 14-4 as may be imposed in the discretion of the court, or both.
- (B) Exceptions. The possession or display of a firearm or other deadly weapon is exempt from the provisions of Sec. 12- 353 in the following situations and circumstances:
1. If the possession or display of the firearm, or other weapon, was conducted by a person authorized by law to carry and display such articles or objects as part of their official duties. Such persons include: local law enforcement personnel, military personnel, security guards, state and federal law enforcement, or any other person identified under G.S. 14-269(b)
 2. If such possession or display of a firearm or weapon is part of the performance of the duties of a Town employee or contractor.
 3. If such possession or display is part of an official program, performance, or Town sponsored or sanctioned event and such possession or display has been previously approved by the Chief of Police.
 4. An individual who possessed a weapon in violation of this ordinance during an incident of justified self-defense or defense of another shall not be charged under this ordinance for actions resulting from that incident.

Part 2: REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of the Town Code of the Town of Holly Springs conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Part 3: SEVERABILITY

If any section, part of a section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings shall not affect the remaining portion of this Ordinance and it shall be construed to have been the

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Email: dick.sears@hollyspringsnc.us

legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Part 4: INCLUSION IN CODE

It is the intention of the Town Council entered as hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code of Ordinances of the Town of Holly Springs, North Carolina; that the Section(s) of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section, or "Article" or other word.

Part 5: EFFECTIVE DATE

The provisions of this ordinance shall become effective August 18, 2020 in accordance with the laws of the State of North Carolina.

Adopted this, the 1st day of September, 2020.

Attested to:

Dick Sears, Mayor

Linda McKinney, Town Clerk



Office of the Mayor

P.O. Box 8 • 128 S. Main Street • Holly Springs, NC 27540 • www.hollyspringsnc.us

Email: dick.sears@hollyspringsnc.us



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 10.

New Business

Title: Water Source and Capacity Analysis Update (TOHS # 18-015)

Strategic Priority Area: Economic Prosperity & Diversity

Responsible & Balanced Growth

Safe & Friendly

Staff Resource: Elizabeth Goodson, Engineering, Kendra Parrish, Engineering

Action(s):

Approve a Memorandum of Understanding with the City of Sanford for cost sharing associated with a Preliminary Engineers Report (PER) for expansion of the Sanford water treatment plant expanding future water quantity needs and approve the Budget Amendment for the necessary funds for this work.

Explanation:

- In follow up to the presentation on Future Water Supply Needs at the June 9, 2020 workshop, staff has moved forward with contacting water providers in the area to explore options for expanding the Town's water supply in accordance with updated future demand identified in the new Future Land Use & Character Plan.
- The City of Sanford is actively moving forward with a Water Treatment Plant Expansion and will have available capacity to provide water to the town for the built out needs projected if considered with their design.
- The next step to continue evaluating this option will be to enter into a Memorandum of Understanding with the City of Sanford to have a Preliminary Engineering Report (PER) completed.
- Sanford has recently started the initial work to evaluate the size of their plant expansion and confirm any participating partners. For Holly Springs to be able to consider this as a long term solution, the PER is needed to provide necessary information about the scale of the water treatment plant and possible costs that the town would share with Sanford.

Background:

- Through agreements with Harnett County, the town currently has 10 Million Gallons Per Day (MGD) available water capacity in the Harnett County Plant. The town also has an additional 2 MGD available from Jordan Lake.
- With the update to the Future Land Use & Character Plan in 2019, the water supply needed at future build-out of the town was increased to approximately 16 MGD - a 4MGD increase from the previously anticipated water demand.
- The Town has four water interconnections currently with the Town of Apex, Town of Cary, Town of Fuquay-Varina and Harnett County with only Harnett County providing regular water supply. The additional connections have been established for emergency or short term needs.
- At the June 9 Town Council Workshop, staff shared an update on future water supply

needs. This update included a review of historical water supply and demand information along with a discussion about potential future water demand and sources for providing water supply. There were short term, mid term and long term steps identified. One of the long term steps was to continue discussions and pursue long term projects to serve future demand.

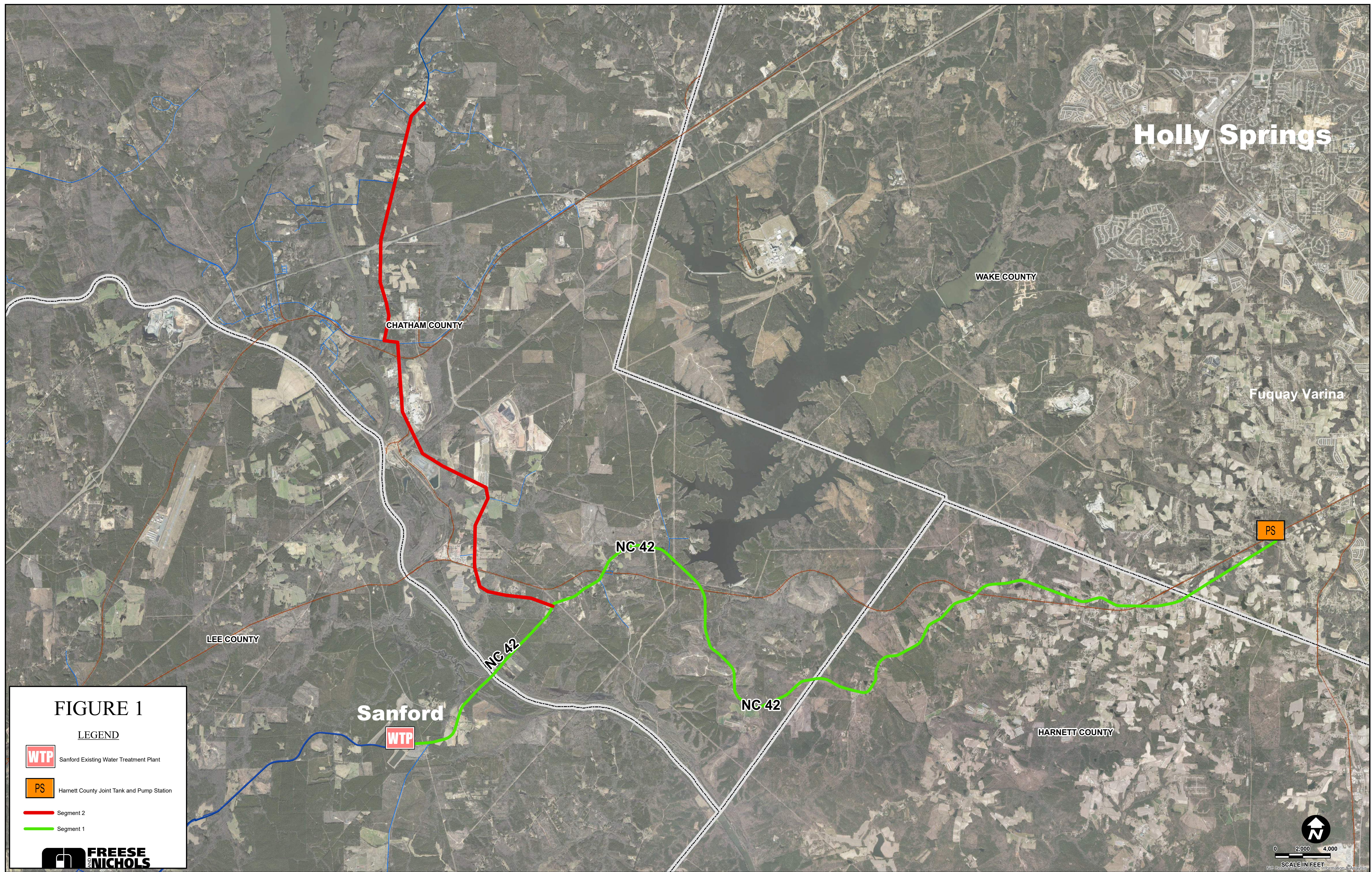
- Since the June Council Workshop, staff has moved these efforts forward and during discussions with current and potential partners, and an opportunity has developed that necessitates timely evaluation. In addition, Fuquay-Varina has identified that they are in need of additional water supply and they are exploring an option to partner with the City of Sanford to provide for their future demand.
- It is anticipated that the City of Sanford will be expanding their water treatment plant and can accommodate additional partners. There would also be water mains constructed from the water treatment plant to the partners' jurisdictions to convey the treated water for use.
- Both projects, the Sanford water treatment plant expansion and the water main line conveying the treated water, would be projects that would have mutual benefit to the Town of Holly Springs and Fuquay-Varina. A PER will need to be completed for each project.
- The City of Sanford and Town of Holly Springs (along with other partners) would jointly participate in a PER to scope the scale of plant expansion and refine the cost estimate for the full project as well as identify the estimated cost share for each partner.
- The PER does not commit the town to entering into an agreement to purchase water from the City of Sanford.
- Staff recommends reallocating a portion of existing, appropriated funds in the FY2020-21 Community Investment Plan from the Harnett County Booster Pump station upgrades project.
- The reallocation from the CIP will not affect preliminary engineering and design for the Harnett County Booster Pump Station upgrade.

Funding Source(s):

Reallocate \$200,000.00 from Harnett County Booster Pump Station project to Utility Fund Operating account 30-432 12.01

Attachment(s):

1. Joint Water Supply Overview Map 08202020
2. DRAFT Sanford -Holy Springs Water MOU 08272020
3. Sanford Water Main Study Budget Amendment 08202020



STATE OF NORTH CAROLINA
COUNTY OF LEE

MEMORANDUM OF UNDERSTANDING
FOR A JOINT WATER TREATMENT
PRELIMINARY ENGINEERING REPORT

THIS MEMORANDUM OF UNDERSTANDING (“MOU”), made and entered into this _____ day of _____, 2020, by and between the TOWN OF HOLLY SPRINGS, a North Carolina Municipal Corporation, herein referred to as “Town,” and the CITY OF SANFORD, a North Carolina Municipal Corporation, herein referred to as “City,” each additionally referred to herein as either a “Party”, and collectively as the “Parties.”

W I T N E S S E T H :

WHEREAS, this MOU is undertaken due to the mutual interest of both entities to determine if a collaborative water treatment plant expansion is a viable solution for future water treatment needs; and

WHEREAS, the City of Sanford, located in Lee County, currently owns and operates a municipal water treatment plant and distribution system to provide potable water service for residential and commercial consumers, within the City corporate and county limits; and

WHEREAS, the City and Town desire to explore mutually beneficial options for expanding future water quantity needs for both Parties; and

WHEREAS, a cost sharing arrangement and the utilization of resources and personnel from both entities will maximize the opportunity for a successful program; and

WHEREAS, the City is entering into similar agreements with the jurisdictions of Fuquay-Varina and Chatham County in an effort to combine resources to hire an expert engineering firm with significant experience in water resource planning to perform a Preliminary Engineering Report (“PER”).

NOW, THEREFORE, the Parties hereto agree as follows:

As a result of increasing water demands and projections among the various jurisdictions, the City and Town have determined that additional water treatment capacity will be required within their respective jurisdictions during next 25 years, due to expected population growth. The City and Town have agreed in principle to embark on engaging an expert engineering firm to perform a PER to determine if a joint water treatment facility expansion is a feasible solution to the future water treatment needs.

1. Program of Work

The Parties hereto have agreed that City will engage an engineering firm, pursuant to the requirements of NCGS §143-64.31, et. seq. (Qualified Based Selections of Engineers) to conduct a water treatment preliminary engineering report on behalf of the Parties for a not to exceed amount of \$655,000. The City shall consult with the Town on the selection of the engineering firm prior to the selections and in the event that the Town does not agree on the selection, the Town shall be

relieved of any obligation under this Agreement. The City will engage an engineering firm to conduct a preliminary water treatment analysis for additional water treatment and conveyance capacity such that sufficient capacity will be achieved in an amount to be beneficial to the Town, as determined by the Town.

2. Shared Costs

To mutually share in the costs of conducting the joint water treatment preliminary engineering report, the entities who benefit from the undertaking shall share in the costs as follows:

Chatham County shall contribute \$55,000; City of Sanford shall contribute \$200,000; Town of Holly Springs shall contribute \$200,000.00; Town of Fuquay-Varina shall contribute \$200,000. *(Level of effort for PER is not strictly based on flow volumes; therefore, a more equal division of the costs seems equitable.)*

3. Areas of Collaboration

The Parties shall mutually agree to work together to do the following:

- a. Participate in the joint report workshops and meetings;
- b. Cooperate in distributing available information to the other party as well as to any third parties as required;
- c. Review infrastructure and water treatment alternatives;
- d. Develop a Preliminary Engineering Report;
- e. Determine a viable solution to ensuring an adequate water supply for each party in an amount to be determined by that party.

4. Term of the MOU

This MOU is effective upon full execution by the Parties, and will remain in full force and effect for a period of one year. No later than June 30, 2021, the MOU may be reviewed and renewed for an additional one (1) year period by mutual consent of the Parties in writing.

5. Termination

Each party reserves the right to terminate this MOU upon thirty (30) days' written notice to the other. In addition, if either party fails to fulfill in timely and proper manner the obligations under this MOU, for any reason, the other party shall have the right to terminate this MOU, by giving written notice, and the termination will be effective upon receipt.

6. Meetings

To accomplish these objectives, the Parties' Staff may meet once per month for the purposes of program planning and monitoring, evaluating outcomes, and to review and ensure that each partner is in compliance with this Memorandum of Understanding. Each party shall appoint a direct contact to be responsible for the party under this agreement, as indicated in the Notice provision.

7. Notice

All notices or other communications arising hereunder shall be sent to the following:

City of Sanford
Attn: Victor Czar, Director
Department of Public Works
P.O. Box 3729
Sanford, NC 27330
Phone 919-777-1117
email: victor.czar@sanfordnc.net

Town of Holly Springs
Attn: Kendra Parrish, Executive Director
Department of Utilities and Infrastructure
128 South Main Street
Holly Springs, NC 27540
Phone 919-557-3935
email: Kendra.Parrish@hollyspringsnc.gov

8. Amendment

Any amendment to this MOU to be effective, must be in writing, signed by both Parties, and executed with the same formality and approvals as the foregoing MOU.

9. No Waiver of Immunity

Nothing herein shall be construed to mandate purchase of insurance by the City, or to, in any other way, waive the defense of sovereign or governmental immunity from any cause of action alleged or brought against City, for any reason, if otherwise available as a matter of law.

Nothing herein shall be construed to mandate purchase of insurance by the Town, or to, in any other way, waive the defense of sovereign or governmental immunity from any cause of action alleged or brought against the Town, for any reason, if otherwise available as a matter of law.

10. Non-Appropriation

City and Town are governmental entities, and the MOU validity is based upon the availability of public funding under the authority of its statutory mandate.

In the event that funds are not available and not appropriated to the program specified in this MOU, the non-appropriating party shall immediately inform the other party in writing and, within thirty (30) days thereof this MOU shall automatically expire without penalty to either party.

In the event of a legal change in either party's statutory authority, mandate, and mandated functions, which adversely affects the authority to continue performing obligations under this MOU, then this MOU shall automatically expire without penalty to either party.

11. No Third-Party Beneficiaries

This MOU is not intended for the benefit of any third party. The rights and obligations contained herein belong exclusively to the Parties hereto, and shall not confer any rights or remedies upon any person or entity other than the Parties hereto.

12. Applicable Law

All matters relating to this MOU shall be governed by the laws of the State of North Carolina, without regard to its choice of law provisions.

13. Relationship of Parties

The Town and City are, and shall remain independent contractors, with respect to any service or function performed under this MOU. Except as provided for in this MOU, each party shall select the means, method, and manner of performing their respective services herein. Each party is an independent contractor and shall not represent itself or be deemed as an officer, agent, or employee of the other party, for any purpose. Nothing under this MOU is intended or should be construed in any manner, to create a joint agency, partnership or venture between the Parties. Each party agrees that it will obey all State and Federal statutes, rules, and regulations which are applicable to any responsibility or duty outlined herein.

14. Applicability of North Carolina Public Records Law

Notwithstanding any other provisions of this MOU, this MOU and all materials submitted by the parties to one another are subject to the public records laws of the State of North Carolina and it is the responsibility of the submitting party to properly designate materials that may be protected from disclosure under North Carolina law as such and in the form required by law prior to the submission of such materials to the other party. The parties understand and agree that the City and the Town may take any and all actions necessary to comply with federal, state, and local laws and/or judicial orders and such actions will not constitute a breach of the terms of this MOU. To the extent that any other provisions of this MOU conflict with this paragraph, the provisions of this section shall control.

15. Force Majeure

Except as otherwise provided in any environmental laws, rules, regulations, or ordinances applicable to the parties and the services performed under this MOU, neither party shall be deemed to be in default of its obligations hereunder if and so long as it is prevented from performing such obligations by an act of war, hostile foreign actions, nuclear explosion, earthquake, hurricane, tornado, or other catastrophic natural event or act of God. Either party to the MOU must take reasonable measures and implement reasonable protections when a weather event, otherwise defined as a force majeure event, is forecast to be eligible to be excused from the performance otherwise required under this MOU by this provision.

16. E-Verify

The parties shall comply with E-Verify, the federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law and as in accordance with NCGS §64-25 et. seq. In addition, to the best of the parties' knowledge, any subcontractor employed by the parties as a part of this MOU shall be in compliance with the requirements of E-Verify and NCGS §64-25 et. seq.

17. Non-Discrimination

To the extent permitted by North Carolina law, the parties hereto for themselves, their agents, officials, employees and servants agree not to discriminate in any manner on the basis of race, color, creed, national origin, sex, age, handicap, or sexual orientation with reference to the subject matter of this MOU.

18. Advertising

The parties shall not use the existence of this MOU, or the name of the other, as part of any advertising without the prior approval of the other party.

19. Miscellaneous

The parties shall be responsible for the proper custody and care of any property furnished or purchased by the other party for use in connection with the performance of this MOU, and will reimburse the other party for the replacement value of its loss or damage.

20. Severability

If any provision of this MOU shall be determined to be unenforceable by a court of competent jurisdiction, such determination will not affect any other provision of this MOU.

21. Counterparts

This MOU may be executed in several counterparts, each of which shall be deemed an original.

22. Incorporation of Documents/Complete Agreement

This MOU, and any documents incorporated below, represent the entire Agreement between the parties and suspend all prior oral or written statements, or Agreements.

IN WITNESS WHEREOF, being duly authorized, the Town has executed the foregoing with the signature of its Town Manager, attested by its Clerk, with the official seal affixed, and, being duly authorized, the City has executed with the signature of its City Manager, attested by its Deputy City Clerk, with the official seal affixed, the day and year first above written.

TOWN OF HOLLY SPRINGS

By: _____
Randy J. Harrington, Town
Manager

ATTEST:

By: _____
Linda McKinney, Town Clerk
(Affix Seal)

THIS INSTRUMENT APPROVED AS TO FORM:

John Schifano, Town Attorney

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

By: _____
Patty Dressen, Interim Finance Director

CITY OF SANFORD

By: _____
Hal Hegwer, City Manager

ATTEST:

By: _____
Vicki R. Cannady, Deputy City Clerk
(Affix Seal)

Susan C. Patterson, City Attorney

By: _____
Beth T. Kelly, Finance Director

Town of Holly Springs Budget Amendment Request

BE IT ORDAINED by the Town Council of the Town of Holly Springs, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2021.

Department: Engineering

Date: 9/1/2020

Reason for Budget Amendment:

In partnership with City of Sanford to initiate a Preliminary Engineers Report (PER) for the expansion of the Sanford water treatment plant in order to meet future demand identified in the Future Land Use Plan.

Expense			
Account #	Account Description	Increase	Decrease
43-706 12.05	Harnett Booster Station Project - Contract Services		\$ 200,000
71 95.43	System Development Fee Fund - Trsfr to Water Proj		\$ 200,000
71 95.30	System Development Fee Fund - Trsfr to Utility	\$ 200,000	
30-432 12.01	Utility Fund - Engineering - Professional Fees	\$ 200,000	
Total Expense:		\$ 400,000	\$ 400,000

Revenue			
Account #	Account Description	Increase	Decrease
43-706 355.71	Harnett Booster Station Proj. - Trsfr from SDF Fund		\$ 200,000
30 355.71	Utility Fund Transfer from System Dev Fee Fund	\$ 200,000	
Total Revenue:		\$ 200,000	\$ 200,000

Department Head Signature (or electronic submission)

Finance Director Signature (if necessary)

Town Manager Signature (if necessary)

Council Approved/Notified (if necessary)

Town Manager is authorized to transfer within a department without prior approval of Town Council.

Town Manager is authorized to approve transfers between departments within the same fund up to \$50,000.

All inter-departmental transfers will be reported to Town Council by the following month.

Amendments that change the total budget or departmental transfers over \$50,000 require Town Council approval.



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 11.

New Business

Title: Tree Advisory Committee Mid-Term Appointment

Strategic Priority Area: Organizational Excellence

Staff Resource: Linda McKinney, Town Clerk

Action(s):

Appoint _____ to the Tree Advisory Committee for a one-year term ending June 30, 2021.

Explanation:

- The Tree Advisory Committee consists of five members serving three-year terms and one junior member serving a one-year term.
- One original member, whose term expired June 30, 2021 moved out of Holly Springs and resigned effective June 30, 2020.
- On May 19, 2020 Jill Kerr was appointed to fill the remainder of that term ending June 30, 2021.
- On July 9, 2020 Ms. Kerr advised the Planning & Zoning Department that she was resigning due to family obligations.
- After advertising on the Town's website and through social media the Clerk's office received two applications to fill this term, which are attached.

Background:

- The Tree Advisory Committee was created in November 2018 with initial terms initially beginning in January 2019.
- The Tree Advisory Committee exists to provide guidance and feedback to the Town Council in maintaining the Tree City USA standards, Street Tree Replacement Program, tree removal, tree maintenance guidelines, informing and educating the public on tree preservation and maintenance and assists with the planning for annual Arbor Day event.

Funding Source(s):

N/A

Attachment(s):

1. Combined Applications
2. 2020_TRC applicants map
3. Applicant spreadsheet TAC

Application to Serve on Tree Advisory Committee

Applicant Name	Amber Duerbig
E-mail	amberduerbig@gmail.com
Address	Street Address: 304 Climbing Tree Trail City: Holly Springs State: NC Zip Code: 27540
I reside within the	Corporate limits of Holly Springs
How long have you lived in Holly Springs?	Five Years
Name of neighborhood	12 Oaks
Home/Cell phone	(919) 518-3820
Current employer	Stapleton Dentistry
Job title / occupation	Dental Hygienist
Have you served on this board in the past?	No
List any education, work experience or qualifications you have relevant to the Tree Board - specifically in regard to urban forestry, trees or landscape.	I grew up in Southern California and have always been involved with preservation of nature.
List any current or past volunteer activities in which you are / were involved.	Holly Springs Food Cupboard Give Kids a Smile(free dental for kids)
What do you see as the responsibilities of this board and what do you	Communication needs to be strong and nature is so important to keeping Holly Springs looking and feeling like a natural town.

hope to accomplish if appointed?

Do you have any personal or business interest(s) that could create a conflict of interest (either real or perceived if you are appointed?

No

Have you taken the opportunity to attend any board meetings prior to the notice of this vacancy?

No

Signature



Date & time

07/13/2020 10:26 PM

How did you find out about these opportunities?

Town of Holly Springs website

View [view all your submissions](#) easily.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Application to Serve on Tree Advisory Committee

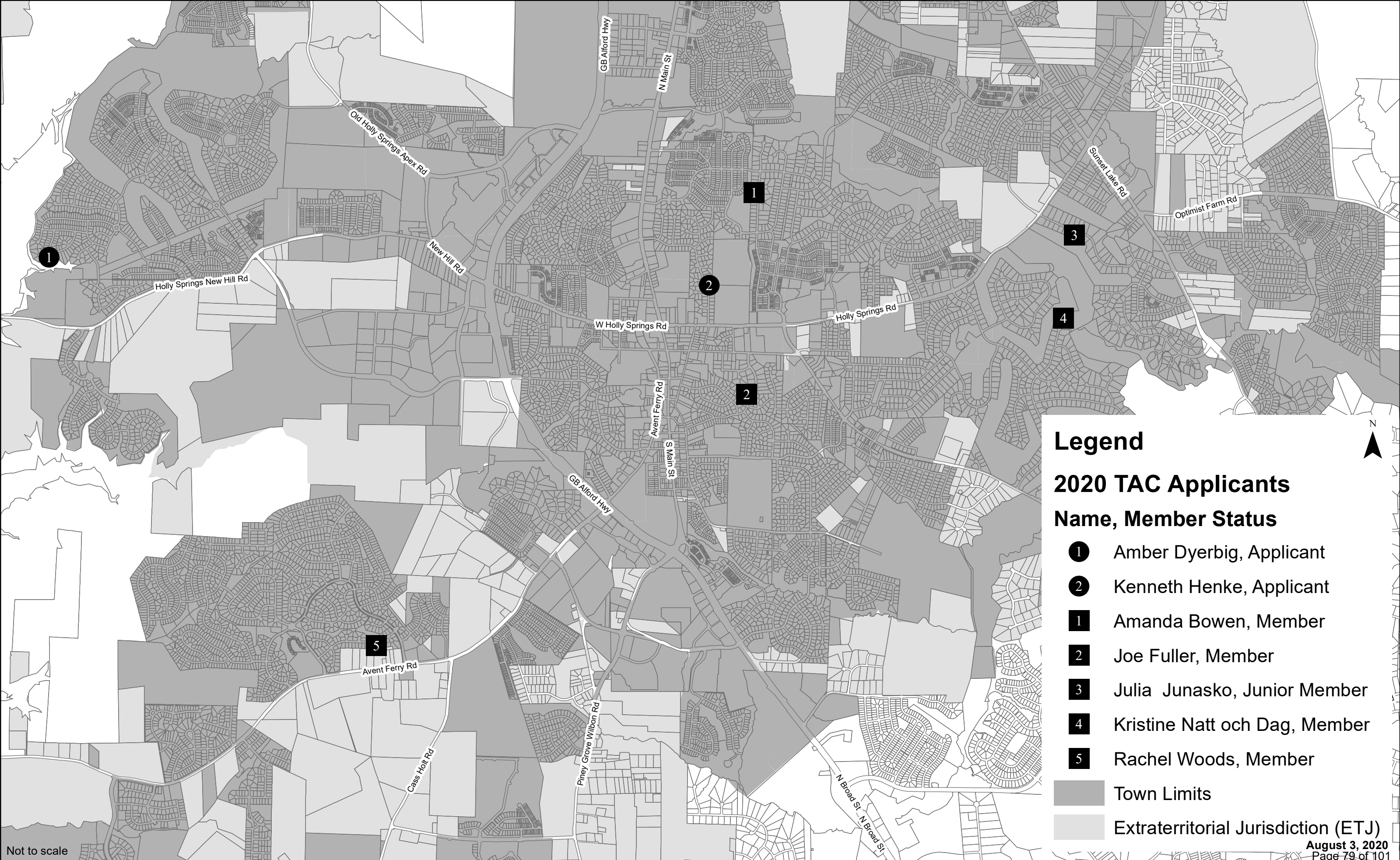
Applicant Name	Kenneth Henke
E-mail	khenke@secur-tek.com
Address	Street Address: 404 Cayman Avenue City: Holly Springs State: NC Zip Code: 27540
I reside within the	Corporate limits of Holly Springs
How long have you lived in Holly Springs?	25.5 years
Name of neighborhood	Windward Pointe
Home/Cell phone	(919) 422-3489
Work phone	(919) 387-1800
Current employer	Secur-Tek, Inc.
Job title / occupation	Owner
Have you served on this board in the past?	No
List any education, work experience or qualifications you have relevant to the Tree Board - specifically in regard to urban forestry, trees or landscape.	Active in Holly Springs garden club and member of South Wake Conservationists a subsidiary of NC wildlife Federation.
List any current or past volunteer activities in which you are / were involved.	Rec board member 2008-2009
What do you see as the responsibilities of this	If appointed to the board I want to be a voice for residents that want to have adequate street trees

board and what do you hope to accomplish if appointed?	to provide shade along side walks for pedestrians. I think it is important to help educate residents on the value of having trees on their property to help control water runoff that contributes to flooding as well as provides shade to their property during hot summer days. I work in the construction industry and have seen how over cutting of trees have contributed to excessive water runoff/flooding and do not want to see this happen in Holly Springs.
Do you have any personal or business interest(s) that could create a conflict of interest (either real or perceived if you are appointed?)	No
Have you taken the opportunity to attend any board meetings prior to the notice of this vacancy?	Yes
Signature	
Date & time	07/27/2020 11:03 AM
How did you find out about these opportunities?	Email

View [view all your submissions](#) easily.

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Tree Advisory Committee Applicants



Legend

2020 TAC Applicants

Name, Member Status

- ① Amber Dyerbig, Applicant
- ② Kenneth Henke, Applicant
- ① Amanda Bowen, Member
- ② Joe Fuller, Member
- ③ Julia Junasko, Junior Member
- ④ Kristine Natt och Dag, Member
- ⑤ Rachel Woods, Member

- Town Limits
- Extraterritorial Jurisdiction (ETJ)

#	NAME	Address	Subdivision / Neighborhood	TL / ETJ	INCUMBENT
APPLICANTS					
1	Duerbig, Amber	304 Climbing Tree Trail	12 Oaks	TL	No
2	Henke, Kenneth	404 Cayman Avenue	Windward Pointe	TL	No
CURRENT MEMBERS					
1	Bowen, Amanda	808 Skymont Drive	Sunset Ridge	TL	Yes
2	Fuller, Joe	313 Wolfbridge Road	Remington	TL	Yes
3	Janosko, Julia - Jur	5028 Sunset Fairways, Rali	Sunset Ridge	TL	Yes
4	Natt och Dag, Krist	4701 Shadow Ridge Court	Sunset Ridge	TL	Yes
5	Woods, Rachel	313 Holly Branch Drive	Holly Glen	TL	Yes



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 12.

New Business

Title: Stephens Tract Developer's Agreement

Strategic Priority Area: Responsible & Balanced Growth

Staff Resource: John Schifano, Town Attorney

Action(s):

Approve Developer's Agreement for Stephens Tract Development.

Explanation:

- A Developer's Agreement was drafted to ensure sewer availability for the proposed development and to cost-share in the road improvements for Avent Ferry Road.

Background:

- On February 19, 2019, the town approved a development plan for several tracts on Ralph Stephens Road near Avent Ferry Road to develop a 292 multifamily town home community.
- The subdivision will need to be served by the Basil Creek pump station, which is currently under contract for a capacity upgrade. This agreement obligates the Developer to cost-share for these improvements in the amount of \$399,416
- The development plan requires a turn lane on to Ralph Stephens from Avent Ferry Road. The town is undertaking improvements to Avent Ferry Road, and therefore proposes to require the Developer to pay the costs associated with the turn lane and use it to do the work under the Town's master contract.

Funding Source(s):

N/A

Attachment(s):

1. Reimbursement Agreement Mungo Stephenson_Town Council Version.doc
2. Exhibit B

**STATE OF NORTH CAROLINA
COUNTY OF WAKE**

**AGREEMENT REGARDING INFRASTRUCTURE CONSTRUCTION AND FEE
REIMBURSEMENT
(N.C. GEN. STAT. § 160A-400.20 *et seq.*)**

BY AND BETWEEN

THE TOWN OF HOLLY SPRINGS

and

CLAYTON PROPERTIES GROUP, INC. d/b/a MUNGO HOMES

THIS AGREEMENT (the “Agreement”), made and entered into this _____ day of _____, 2020, by and between the **TOWN OF HOLLY SPRINGS**, a North Carolina Municipal corporation (the “Town”) and **CLAYTON PROPERTIES GROUP, INC. d/b/a MUNGO HOMES**, a North Carolina Corporation (the “Developer”). The Town and the Developer are collectively referred to herein as the “Parties.”

WITNESSETH:

WHEREAS, the Developer is the fee simple owner or contract purchaser of several tracts of land held in common for development, the total of which are approximately 53.77 acres in size, which are shown in Exhibit A, attached hereto and incorporated herein by reference (the “Property”), and the Developer, or its successors or assigns, intends to develop these tracts in a manner consistent with the Development Plan and the terms of this Agreement; and,

WHEREAS, the Developer desires careful integration between public and private capital facilities planning, financing and construction, and further desires sufficient assurances that

development standards, ordinances, policies and procedures remain stable throughout the extended period of development; and,

WHEREAS, it is beneficial to both the Town and the Developer to construct certain onsite and offsite infrastructure improvements relative to the Project to enable the safe and responsible treatment of wastewater by the Town and to provide potable drinking water to the ultimate users of the Property, as well as other infrastructure; and,

WHEREAS, the Town requires, pursuant to N.C.G.S. § 160A-372 and its Unified Development Ordinance, the dedication and construction of streets and rights of way and other infrastructure and for the distribution of population and traffic in such a manner that it will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare; and,

WHEREAS, the Town has enacted a subdivision control ordinance, pursuant to N.C.G.S. §160A-372 which provides for the orderly control of growth and development in the Town in general and on the Developer's parcel; and,

WHEREAS, the Town is authorized pursuant to N.C.G.S § 160A-311 *et. seq.* to operate and does in fact operate a water and sewer treatment enterprise and requires, pursuant to N.C.G.S. § 160A-317, the connection to the system by owners of developed lands located within the Town, for a cost set forth in the Town's annual budget; and,

WHEREAS, the Town is authorized to enter into this contract pursuant to N.C.G.S. §§ 160A-16, 160A-400.20 *et seq.* and may contract with the Developer to carry out the public purposes set forth herein pursuant to N.C.G.S. §160A-20. In consideration of the promises and inducements contained herein, the Town Council of Holly Springs has determined that it is in the best interests of its citizens to enter into this Agreement, and the Developer, its successor and assigns consents.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein the Town and the Developer agree as follows:

ARTICLE I

1. **Definitions:** The terms below shall have the following meanings as used herein:
 - a. Actual Costs: The amount of true costs actually incurred for construction of a certain project described herein upon final completion and approved by the Town, inclusive of the cost of acquiring easements or rights of way from those not party to this agreement, but exclusive of any administrative costs (i.e., profit and overhead) of the Developer, or any project construction contingency. Any such costs which herein after are agreed to be reimbursed or otherwise paid by the Town shall be audited by the Town under generally accepted accounting principles for governments for a period of three (3) years after the last act under this Agreement. Developer's right of

reimbursement for Actual Costs pursuant to the terms of this Agreement is contingent upon Developer first receiving from the Town advance written consent to the expected cost of an applicable transaction before the cost is incurred, provided, that such consent shall not be unreasonably withheld or delayed by the Town.

- b. Comprehensive plan: The comprehensive plan, land-use plan, small area plans, neighborhood plans, transportation plan, capital improvement plan, official map, and any other plans regarding land use and development that have been officially adopted by the governing board.
- c. Developer: Clayton Properties Group, Inc. D/B/A Mungo Homes, the signatory hereto.
- d. Development: Generally defined as the planning for or carrying out of a building activity, the making of a material change in the use or appearance of any structure or property, or the dividing of land into two or more parcels. 'Development', as designated in a law or development permit, includes the planning for and all other activity customarily associated with it unless otherwise specified. When appropriate to the context, 'development' refers to the planning for or the act of developing or to the result of development. Specifically, in this Agreement, the term "Development" refers to the construction by the Developer of all building activities associated with the plans as described by Development Plan 18-DP-13 as approved by the Town of Holly Springs on 02/19/2019 (TOHS Project No 18-04-01).
- e. Development permit: A building permit, zoning permit, subdivision approval, special exception or conditional use permit, variance, or any other official action of the Town having the effect of permitting the development of property.
- f. Land development regulations: Ordinances and regulations enacted by the Town for the regulation of any aspect of development and includes zoning, subdivision, or any other land development ordinances, including but not limited the Town of Holly Springs Unified Development Ordinance ("UDO").
- g. Laws: All ordinances, resolutions, regulations, comprehensive plans, land development regulations, policies, and rules adopted by the Town affecting the development of property, and includes laws governing permitted uses of the property, density, design, and improvements.
- h. NCDOT: the North Carolina Department of Transportation.

- i. Offsite Infrastructure: The public sanitary sewer gravity line, all potable waterlines, all roadway/transportation infrastructure, and other Town-owned equipment or facilities not located on the Developer's site.
- j. Onsite Infrastructure: The public sanitary sewer gravity line, all potable waterlines, all roadway/transportation infrastructure, and other Town-owned equipment or facilities located on the Property.
- k. Person: An individual, corporation, business or land trust, estate, trust, partnership, association, two or more persons having a joint or common interest, State agency, or any legal entity.
- l. Property: All real property shown or described in Exhibit A, which is subject to land-use regulation of the Town and includes any improvements or structures customarily regarded as a part of real property.
- m. Project: The Developer's plan to develop the Property in the manner described in Exhibit B, and as approved by the Town Council of Holly Springs through its normal development process.

ARTICLE II DESCRIPTION OF DEVELOPMENT AGREEMENT

1. **TERM**: The duration of the agreement is for five (5) years. The parties are not precluded from entering into subsequent development agreements that may extend the original duration period.

2. **DEVELOPMENT PERMITTED USES**: The development uses permitted on the Property and the location of those uses are shown on Exhibit B (the "Development Plan" or "Plans") and described by the approved zoning conditions as shown on Exhibit C, and otherwise described in the approved plans.

a. The Plans indicate the construction of all necessary public infrastructure to accommodate the approved 292-unit Townhome Multifamily development.

b. The Town hereby agrees that the land use described herein is in the best interest of the Town, is in keeping with the land use plans.

3. **PHASE 1 AND FUTURE SEWER IMPROVEMENTS**: Phase 1 of the Development will not require any sewer infrastructure upgrades and the Developer shall be permitted to proceed with construction and certificates of occupancy on Phase 1 without any sewer infrastructure upgrades, and shall be subject to ordinary development criteria of the Town. The Town and the Developer acknowledge that the current sewer infrastructure is inadequate to accommodate Phases 2-4 of the Development and that significant upgrades to the Basil Creek Pump station need to be made prior to the issuance of certificates of occupancy to the Developer for Phases 2-4 of the Development. Currently, the Town is under contract for construction of these

improvements in connection with the approved Lowe's Master Plan project. In order to accommodate the Development, the Developer agrees to contribute to these improvements by paying a fee in lieu as described in Exhibit D ("Fee Sheets") under the account code shown as "10 215.01" prior to construction drawing approval for Phase 1 (29 lots) in the amount of \$25,430.50. If these improvements to the Basic Creek Pump Station are not completed with the approved Lowe's Master Plan project, Developer shall be responsible for the design, construction, and completion of the pump station upgrades and associated improvements to serve Phases 2-4 of this Project. In the event that the improvements are completed, Developer shall pay a fee in lieu of pump station improvements in the amount of \$1,422 per unit or \$373,986 for 263 units in Phases 2 – 4.

4. **TURN LANE IMPROVEMENTS:** The Developer shall contribute an amount equal to the Town's change order estimate of \$92,000 or the Actual Construction Costs, whichever is greater, for a right-turn lane improvement at intersection of Avent Ferry Road and Ralph Stephens Road in connection with the Town's roadway improvement project at this intersection. This work shall be done as a change order to the Town's Avent Ferry Road widening project.

5. **RESERVATION OF LAND:** A description of a reservation or dedication of land for public purposes and any provisions to protect environmentally sensitive property.

- a. Developer shall pay a fee in lieu of required park and recreation land dedication, pursuant to the Town's budget ordinance.

6. **REQUIRED PERMITS:** A description of all development permits approved or needed:

- a. Developer shall secure all construction drawing approval, erosion and sedimentation control, grading approval, and building permits as necessary under the land development regulations in existence of the time of such permit application. The Town shall aid Developer in securing all encroachment permits as required by the North Carolina Department of Transportation, and the North Carolina Department of Environmental Quality ("NCDEQ") or other state or federal agencies, as required for roads, sewer, and water. The failure of the Agreement to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing their permitting requirements, conditions, terms, or restrictions.

7. **TERMS REQUIRED FOR PUBLIC SAFETY:** Description of any conditions, terms, restrictions, or other requirements determined to be necessary by the Town for the public health, safety, or welfare of its citizens.

- a. Zoning of the Property by the Town in a manner consistent with this Agreement.

8. **HISTORIC STRUCTURES:** Description of any provisions for the preservation

and restoration of historic structures.

- a. None

ARTICLE III DEVELOPER'S DUTIES

1. For any offsite infrastructure constructed by the Developer, the Developer shall design, permit, and construct the infrastructure in the location approved by the Town and as shown on the Development Plan, according to engineering best practices, requirements of the Town, and requirements of the NCDEQ and any other applicable regulatory agency. For any land owned or controlled by the Developer, the Developer shall secure and dedicate to the Town all necessary easements for the construction and perpetual maintenance of the infrastructure referenced. For any land not owned by or controlled by the Developer, the Town shall convey such land owned by the Town to the Developer or secure all necessary easements on land owned by third parties for the construction and perpetual maintenance of the infrastructure referenced in a timely manner so as not to delay the completion of the Developer's Duties.

2. The Developer shall construct in a workmanlike manner the Onsite Public Infrastructure according to the design specifications and criteria of the Town which are existing at the time of this agreement, as well as full compliance with any NCDEQ requirements. Said infrastructure, together with any and all appurtenances, easements, and equipment associated with the project required for public dedication shall be dedicated to the Town in a manner consistent with the Development Plan and in a manner in accordance with the Town's standards.

3. The Developer shall construct the public infrastructure according to the plans and specifications submitted in a manner consistent with the standards of the Town which are in effect at the time of this Agreement.

4. The Developer (or his successors, and/or assigns) shall pay all development fees for the development at the time they would otherwise ordinarily be due and in an amount that is determined by the fee schedule approved in the annual budget which is in effect at the time of this Agreement. Developer shall be entitled to reimbursement of all Town levied fees associated with the sewer line installation for the Project in addition to the Town's contributions to the sewer project described in Section 4 of this Agreement, after completion of the sewer line installation. For any fee that is "credited" or "reimbursed" under this Agreement, the Developer (or his successors, and/or assigns) shall pay the fee and request reimbursement against the credit from Town's Director of Engineering by referencing this Agreement. The Town shall reimburse all allowable requested fees to Developer within thirty (30) days of the receipt of request.

5. In the event that the Town, in its sole discretion, decides to install at its own cost the gravity sewer line described in this Agreement prior to the commencement of construction by Developer, Developer shall dedicate the necessary easements on the Property to the Town without additional compensation.

ARTICLE IV

GENERAL TERMS

1. All reimbursements, if any, for this project shall be provided on the basis of final documented actual costs, as approved by the Director of Engineering, in accordance with this agreement. Any opinions of project cost included in this agreement are based upon preliminary designs and are approximate.

2. The Developer shall be responsible for the complete design and construction of Project, including all surveying, design, permitting, plat preparation and recordation, testing, engineering, bidding, construction, inspection, acceptance, easement maps and documents, construction management, construction administration, and all other necessary functions to insure a complete-in-place, fully functional Project built and operational in accordance with Town and State standards and approved plans for the Project. The costs of all of these items shall be borne by the Developer and shall not be subject to reimbursement or participation by the Town, except as specifically described herein

3. All fees, charges and payments related to the actual construction of each project shall be borne by the Developer and shall not be subject to reimbursement or participation by the Town, except as set forth herein.

4. In the course of installing the public infrastructure or any other work on easements obtained by the Town and under the Town's ownership, the Developer shall operate under permission to encroach onto a Town easement and shall hold the Town harmless.

5. Developer agrees to protect, defend, indemnify and hold the Town and its officers, employees and agents free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees, or other expenses or liabilities of every kind in character and arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of actions of every kind and character in connection with or arising directly out of the entry onto and performance of work on the easements of the Town. The Developer further agrees to investigate, handle, provide defense for and respond to, any such claims at its sole expense and agrees to bear all other costs and expenses related thereto, even if such claims are groundless, false, or fraudulent but only to the extent the same are not expressly excluded as set forth herein.

6. The Town agrees to protect, defend, indemnify and hold Developer and its officers, employees and agents free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees, or other expenses or liabilities of every kind in character and arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of actions of every kind and character made by third parties in connection with or arising from the injury to (including death of) persons or physical damage to property arising out of the performance of the Town's obligations under this Agreement by the Town, its agents, employees and contractors (collectively, "Claims"), except to the extent any such Claims arise out of the negligence or willful misconduct of the Developer, or its agents, employees or contractors, or any third party. The Town further agrees to investigate, handle, provide defense for and respond to, any such Claims at its sole expense and agrees to bear all other costs and

expenses related to such Claims, even if such Claims are groundless, false, or fraudulent but only to the extent the same are not expressly excluded as set forth herein.

7. All projects shall be subject to the Town's policies and procedures regarding Town acceptance and warranty on infrastructure.

8. It shall be the responsibility of the Developer to ensure that all regulatory approvals for each project are in place before beginning construction.

9. The Town Manager is authorized to make decisions in regard to approvals, including changes to this Agreement in order to complete the scope of work required, within his authority granted by the Town Council, except as otherwise stated herein or required by Town ordinance.

10. The Developer shall secure all necessary easements for the infrastructure projects that are the subject of this Agreement prior to construction drawing approval. Should the Developer be unable to obtain required easements after documented attempts to do so, the Town may utilize its eminent domain authority to obtain the necessary easements for the installation of such projects with all costs to be borne by the Developer associated with this legal process, including all amounts paid for the acquisition. The Developer shall substantiate its attempts to obtain the property through voluntary purchase and sale in the following manner within ninety (90) days of this Agreement:

- a. Developer shall provide a letter from property owners stating that he/she rejects all offers to purchase the easement. Said letter shall be signed by the landowner.
- b. An affidavit, signed under oath by penalty of perjury, from the Developer's agent or designee describing in detail the conversation that took place with the landowner, and the result of said conversation.

11. In the event of a condemnation action, the Developer shall escrow sufficient funds for a deposit necessary under the applicable condemnation statute. The Town Attorney shall inform the Developer thirty (30) days prior to filing the amount of said deposit, and the Developer shall deposit funds prior to commencement of the action. Upon payment of deposit, the Town will proceed with condemnation action subsequent to the Town Council, in its sole discretion passing a resolution of condemnation for each property as soon as practicable after the receipt of the deposit. The timeframe discussed herein is set forth with the goal of allowing access to the condemned property(ies) within forty-five (45) to sixty (60) days. At all times during this judicial process, the Town retains all legal authority with respect to settlement, negotiation trial strategy, and opinions as to value.

ARTICLE V OTHER

1. All projects shall be subject to the Town's policies and procedures regarding Town acceptance and warranty on Offsite Infrastructure. This Agreement shall not modify the warranty

and acceptance procedures established by the Town through the Engineering Standards in place at the time of this agreement. It shall be the responsibility of the Developer to ensure that all regulatory approvals for each project are in place before beginning construction.

2. All notices, reports, and other communications given pursuant to this Agreement shall be in writing and shall either be mailed by first class mail, postage prepaid, certified or registered with return receipt requested, or delivered in person to the intended addressee. Notice sent by certified or registered mail shall be effective upon the date of delivery indicated on the return receipt. Notice given in any other manner shall be effective upon actual receipt by the addressee.

3. This development agreement does not provide for the application of subsequently enacted Laws, ordinances, development policies, practices, procedures or standards. The Laws, ordinances, development policies, practices, procedures and standards applicable to the development of the Project are those in force at the time of the execution of this Agreement, in the manner prescribed by Holly Springs Ordinance 14-164.

4. Notices under this agreement shall be to the following:

FOR THE TOWN:

Randy J. Harrington
Town Manager
PO Box 8
Holly Springs, NC 27540
Reference:

FOR THE DEVELOPER:

Clayton Properties Group, Inc.
PO BOX 4098
Maryville, TN 37802

5. This Agreement shall be governed by and construed in accordance with the law of the State of North Carolina. The Parties consent to the jurisdiction of Superior Court Division of the General Court of Justice located in Wake County, North Carolina in the event a dispute arises between them regarding the terms of this Agreement.

6. If any paragraph or part of this Agreement is found void or unenforceable, the remainder of this Agreement shall continue in full force and effect.

7. This Agreement shall be binding upon and inure to the benefit of the Parties hereto, their heirs, successors and assigns.

8. This Agreement contains the entire agreement of the parties and there are no representations, inducements or other provisions other than those expressed in writing.

9. Exhibit List: The following exhibits are hereby incorporated by reference:

EXHIBIT A:	Property List
EXHIBIT B:	Site Development Plan
EXHIBIT C:	Zoning Conditions

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

TOWN OF HOLLY SPRINGS

(Town Seal)

BY: _____
Randy J. Harrington, Town Manager

ATTEST:

Linda McKinney, Town Clerk

This document is sufficient as to form.

John P. Schifano, Town Attorney

This instrument has been pre-audited in the manner proscribed by the Local Government Finance Act.

Patty Dressen
Interim Finance Director

NORTH CAROLINA
WAKE COUNTY

I, _____, a Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that she is the Town Clerk/Deputy Town Clerk of the Town of Holly Springs, and that the seal affixed to the foregoing instrument in writing is the corporate seal of said Town, and that said writing was signed and sealed by her in behalf of said corporation by its authority duly given and the said person acknowledged this writing to be the act a deed of said corporation.

WITNESS my hand and official stamp (or seal), this the ____ day of September, 2020.

Notary Public
_____, Notary Public
Typed/Printed Name

[Official Seal]

My Commission expires: _____

CLAYTON PROPERTIES GROUP, INC.

(Seal)

By: _____

Name: _____

Title: _____

I, _____, a Notary Public, certify that _____, personally came before me this day and acknowledged that he is the _____ of **CLAYTON PROPERTIES GROUP, INC.**, a North Carolina corporation, and that he, as such officer, being authorized to do so, executed the foregoing on behalf of the limited liability company.

WITNESS my hand and official stamp (or seal), this the ____ day of July, 2020.

Notary Public

_____, Notary Public

Typed/Printed Name

[Official Seal]

My Commission expires: _____

EXHIBIT A
List of Parcels

<u>Real Estate ID</u>	<u>Deed Book</u>	<u>Deed Page</u>	<u>Acres</u>	<u>Deed Date</u>	<u>Description</u>
128596	17448	1634	7.57	5/21/2019	TR2 PROP OF MARVA STEPHENS BM1999 - 00158
67322	17373	930	19.01	3/1/2019	TRPT 1 PROP STEPHENS COUSINS LLC & CSX TRANS IN BM1983 -00948
204650	17388	1134	3.68	3/20/2019	TR1 TOLLEFSON & CSX TRANS INC (UNREC SRVY)
65152	17406	2788	23.51	4/9/2019	PINEY GROVE RD
		Total	53.77		

Exhibit B
Site Development Plan

Exhibit C

Zoning Conditions

The following conditions, pursuant to the Development Plan #18-DP-13 for Stephens Tract as submitted by WithersRavenel, Inc., Project Number 02170951, dated Revised 01/07/2019, apply to the Development:

1. The interconnection to Autumn Park and the South Park Shopping center shall be blocked off until the construction of this development project is complete.
2. This project will be required to meet the Town of Holly Springs NPDES Ph. II Post Construction Stormwater Ordinance.
3. No fill is allowed in the flood plain for residential development. Fill is not allowed even if it does not raise downstream water surface elevations.
4. SCM's are not permitted in the flood plain.
5. Town Staff has been delegated approval authority by NCDWQ for stormwater management plans. Documentation of approval to NCDEQ is the responsibility of the owner.
6. Road improvements constructed with this development project shall be coordinated with the Town and NCDOT with the Phase I Avent Ferry Road Improvements Project (U-5529).
7. If Phase 2 and portion of Phase 3 Holly Springs Basal Creek Pump Station Upgrades and Improvements identified in the Downstream Sewer Study for this project are not completed with the approved Lowe's Master Plan project, the Stephens Tract Development is responsible for the design, construction and completion of the pump station upgrades and associated improvements with this development plan to serve their project.
8. The following items must be addressed prior to or with the first construction drawing submittal:
 - a. A point-by-point photometric plan for all site lighting (not including public right-of-way street and pedestrian lights) in conformance with lighting levels specified in UDO Section 7.02 shall be submitted to and approved by the Department of Planning & Zoning.
 - b. Thoroughfares, collectors and boulevards will require a calculated pavement design and will require NCDOT approval.
 - c. Improvements identified as the responsibility of the Stephens Tract Development in the approved Downstream Sewer Study, must be submitted by the Developer, detailing the required improvements for review and approval by the Engineering Department and Director of Engineering.

d. Developer shall provide a gravity sewer stub to each upstream adjacent property at a suitable location. Coordinate final design, location and alignment of all gravity sewer stubs to adjacent upstream properties and ensure viable gravity sewer service is provided.

e. A fee-in-lieu is required for constructing the remaining portion of gravity sewer stub as identified on the approved plans. The fee-in-lieu cost estimate shall be submitted by Developer to the Engineering Department with the 1st Construction Drawing Submittal for review and approval.

f. Final Gravity Sewer Line Sizing Report is required for all lines that are stubbed to adjacent upstream properties.

g. A flood study is required to meet the Town's policy for Hydrologic Basin Models (Town Policy - P-018). The flood study shall be updated to reflect this project and demonstrate that development of the site will not raise established flood levels.

h. All items listed on the Stormwater Submittal Checklist, Form #16003, must be included with the first construction drawing submittal.

9. The following items must be addressed prior to issuance of construction drawing approval and/or land disturbance permit:

a. Documentation in the form of a plat must be provided for offsite right-of-way to be dedicated for this project.

b. Provide documentation in the form of a recorded plat of any required offsite sewer and/or water easements.

c. If any offsite water or sewer facilities are needed to serve this project and are not completed and accepted by the Town at the time of approval of this preliminary subdivision plan, these facilities must be completed prior to construction drawing approval unless otherwise approved by the Director of Engineering. The Town is not responsible for completion of offsite sewer facilities, and will not guarantee completion of such facilities by any other party.

d. Fee-in-lieu of upgrade will be required for the downstream Pump Station and/or Force Main; Holly Springs Basal Creek Pump Station and Garrison Pump Station.

e. Approval of Stormwater Management Plan is required.

f. Payment of the Stormwater Fee-in-Lieu will be required prior to construction drawing approval.

g. Stormwater sureties are required on this project. A performance surety in the form of a bond, letter of credit or cash is required in the amount of 125% estimated construction cost of the stormwater BMP prior to plat recordation and a maintenance surety in the form

of a cash escrow account in the amount of 35% the actual construction cost of the BMP is required at the end of the performance monitoring period for the project.

h. All environmental permits must be obtained for the entire project.

10. No more than 85% of building permits (248 units) shall be issued prior to the completion of all developed recreational open space.

11. A Rapidly Flashing beacon crosswalk signal must be installed by the Developer to provide adequate pedestrian connectivity for this Development

12. A change to the plan is necessary to provide an open area for residents to congregate that is not currently found in the plan.

Exhibit D
Sewer Analysis Report & Map

K:\V\17-0550\170501-Stephens Tract Townhomes\CAD\Drawings\0.0 - COVER - PHASE 1.dwg - Monday, March 9, 2020 10:43:55 PM - VORR, STEPHEN

SURVEY BENCHMARK NOTE	
BENCHMARK IS NC GRID MONUMENT "EYSTER" NAD 83 (2011), NC GRID COORS N 591869.02' E 2049454.43' NAVD 88 ELEV: 446.23'	

SITE DATA	
PROJECT AREA	56.01 ACRES
PROPOSED NUMBER OF UNITS	292
PROPOSED DENSITY	5.19 DU/AC.
SETBACKS	
LOCAL STREET	20 FT
SIDE	6 FT
MINIMUM DRIVEWAY LENGTH REQUIREMENTS	
SINGLE CAR	20 FT
TWO CAR	25 FT
REQUIRED PARKING	665 SPACES
PROVIDED PARKING	696 SPACES
* SEE SHEET 3.0 FOR PARKING CALCULATIONS	
REQUIRED DEVELOPED OPEN SPACE	3.32 ACRES
PROVIDED DEVELOPED OPEN SPACE	4.51 ACRES
* SEE SHEET 2.1 FOR OPEN SPACE CALCULATIONS	
REQUIRED TREE PRESERVATION	5.51 ACRES
PROVIDED TREE PRESERVATION	6.31 ACRES
* SEE SHEET L2.0, L2.1, & L2.2 FOR TREE PRESERVATION CALCULATIONS	
PROJECT CONSTRUCTION SCHEDULED FOR SUMMER 2019	

PARCEL INFORMATION			
PIN:	0648-76-5713	PIN:	0648-76-7101
OWNER:	CLAYTON PROPERTIES GROUP INC.	OWNER:	CLAYTON PROPERTIES GROUP INC.
REAL ESTATE ID:	0067322	REAL ESTATE ID:	0204650
LOCATION:	1729 RALPH STEPHENS ROAD	LOCATION:	1825 RALPH STEPHENS ROAD
AREA:	19.01 AC.	AREA:	3.68 AC.
ZONING:	R-MF-15	ZONING:	R-MF-8 CU
PIN:	0648-77-1259	PIN:	0648-76-9202
OWNER:	CLAYTON PROPERTIESGROUP INC.	OWNER:	CLAYTON PROPERTIES GROUP INC.
REAL ESTATE ID:	0065152	REAL ESTATE ID:	0204650
LOCATION:	1720 RALPH STEPHENS ROAD	LOCATION:	1825 RALPH STEPHENS ROAD
AREA:	23.51 AC.	AREA:	1.9 AC.
ZONING:	R-MF-8 CU	ZONING:	R-MF-8 CU
PIN:	0648-76-9067	PIN:	0648-66-8224
OWNER:	CLAYTON PROPERTIESGROUP INC.	OWNER:	CLAYTON PROPERTIES GROUP INC.
REAL ESTATE ID:	0466268	REAL ESTATE ID:	0067322
LOCATION:	0 RALPH STEPHENS ROAD	LOCATION:	1740 RALPH STEPHENS ROAD
AREA:	0.34 AC.	AREA:	7.57 AC.
ZONING:	R-MF-8 CU	ZONING:	R-MF-8 CU

REZONING CONDITIONS FOR RMF-8 CU PARCELS	
1.	OVERALL DEVELOPMENT DENSITY FOR THIS DISTRICT SHALL BE NOT MORE THAN 4.5 DWELLING UNITS PER ACRE, WITH THE INDIVIDUAL PARCELS CONTAINED WITHIN THE DISTRICT DEVELOPING AT MAXIMUMS AS PER THE ATTACHED DENSITY EXHIBIT.
2.	NO CERTIFICATE OF OCCUPANCY SHALL BE ISSUED FOR NEW DEVELOPMENT ON THE SUBJECT PROPERTY UNTIL COMPLETION OF PHASE 1 AVENT FERRY ROAD WIDENING, PROJECT U-5529.
3.	EACH BUILDING CONTAINING A GROUP OF TOWNHOMES SHALL BE LANDSCAPED WITH 1 TREE AND 4 SHRUBS, SHALL HAVE FRONT FAÇADE MODULATIONS A MINIMUM OF 12 INCHES IN DEPTH, SHALL HAVE A MINIMUM 12 INCH ROOF OVERHANGS ON ALL FAÇADES.
4.	EACH TOWNHOME UNIT SHALL HAVE ARCHITECTURAL SHINGLES, A DOOR TRANSOM, AND AT LEAST TWO TEXTURES ON THE FRONT FAÇADE, NEITHER BEING LESS THAN 20%.
5.	THE ROOF OF EACH DWELLING UNIT SHALL BE DISTINCT FROM THE ROOF OF ADJACENT DWELLING UNITS THROUGH SEPARATION OF ROOF PITCHES OR INCLUSIONS OF DORMERS.
6.	DWELLING UNITS CONTAINING A FRONT LOADED GARAGE MUST PROVIDE DECORATIVE OR CARRIAGE STYLE GARAGE DOORS OR A DECORATIVE GARAGE OPENING, SHALL NOT EXTEND THE GARAGE FURTHER THAN 10-FT FORWARD OF THE FRONT FAÇADE, AND SHALL PROVIDE DECORATIVE DRIVEWAYS THAT IS BRICK, STONE, STAMPED CONCRETE, OR HOLLYWOOD STYLE.
7.	TRAFFIC IMPACT ANALYSIS (TIA) HAS BEEN COMPLETED AND APPROVED WITH THIS REZONING. DEVELOPMENT OF THE PROPERTY WILL BE CONSISTENT WITH THE RECOMMENDATIONS IDENTIFIED IN THE APPROVED TIA.
8.	CONSISTENT WITH THE HOLLY SPRINGS UNIFIED DEVELOPMENT ORDINANCE, DEVELOPER AGREES TO THE DEDICATION AND CONSTRUCTION OF TRANSPORTATION IMPROVEMENTS AS IDENTIFIED IN THE TRANSPORTATION IMPACT ANALYSIS UPDATE FOR STEPHENS TRACT (RKA PROJECT NUMBER 18112 - SEALED 8/8/18) INCLUDING ROAD WIDENING ACROSS THE PROPERTY'S FRONTAGE, ON-SITE STREETS, RIGHTS-OF-WAY AND OTHER INFRASTRUCTURE AND FOR THE COORDINATED PROVISION OF UTILITIES THAT WILL CREATE CONDITIONS ESSENTIAL TO THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE.
9.	THE TOWN OF HOLLY SPRINGS REQUIRES CERTAIN FEES TO BE PAID UPON DEVELOPMENT OF LAND AND FOR THE GRANTING OF A BUILDING PERMIT. SAID FEES ARE LISTED IN THE TOWN'S ANNUAL BUDGET, AND WITH THIS REZONING THE DEVELOPER AGREES THAT HE/SHE (I) IS FAMILIAR WITH THESE FEES, (II) DOES NOT DISPUTE THE REASONABleness OF THESE FEES AS SET FORTH IN THE TOWN'S ANNUAL BUDGET; AND (III) NOTWITHSTANDING ANY REIMBURSEMENTS DISCUSSED AT THIS TIME THROUGH AN INFRASTRUCTURE REIMBURSEMENT AGREEMENT, HEREBY AGREES TO TIMELY PAY ALL NORMAL AND CUSTOMARY FEES APPLICABLE TO DEVELOPER IN CONNECTION WITH THE RESIDENTIAL PROJECT. SUCH FEES ARE LISTED IN THE CURRENT YEAR ANNUAL BUDGET OF FEES AT THE TIME THE FEE IS DUE UNDER THE ORDINARY COURSE OF DEVELOPMENT.
10.	THE DEVELOPER SHALL WIDEN THE EAST SIDE OF RALPH STEPHENS ROAD FROM THE NORTHERNMOST PORTION OF THE SUBJECT PROPERTY TO AVENT FERRY ROAD TO FACILITATE THE CONSTRUCTION OF A RIGHT-TURN LANE AND ASSOCIATED SIDEWALK OR RELATED IMPROVEMENTS. DEVELOPER SHALL DESIGN AND CONSTRUCT THE IMPROVEMENT, PROVIDED, HOWEVER THAT ITS OBLIGATION TO CONSTRUCT IS SUBJECT TO THE ABILITY TO ACQUIRE THE NECESSARY RIGHT-OF-WAY FOR THE IMPROVEMENT.
11.	THE DEVELOPER SHALL CONSTRUCT A 6' WIDE SIDEWALK ALONG THE EAST SIDE OF RALPH STEPHENS ROAD ROM THE SOUTHERNMOST PORTION OF THE SUBJECT PROPERTY OUT TO MAIN STREET. DEVELOPER SHALL DESIGN AND CONSTRUCT THE IMPROVEMENT, PROVIDED, HOWEVER, THAT ITS OBLIGATION TO CONSTRUCT IS SUBJECT TO THE ABILITY TO ACQUIRE THE NECESSARY RIGHT-OF-WAY FOR THE IMPROVEMENT.

DEVELOPMENT PLAN CONDITIONS	
1.	THE INTERCONNECTION TO AUTUMN PARK AND SOUTH PARK VILLAGE SHOPPING CENTER SHALL BE BLOCKED OFF UNTIL CONSTRUCTION OF THIS DEVELOPMENT PROJECT IS COMPLETE.
2.	NO BUILDING PERMIT SHALL BE ISSUED PRIOR TO THE COMPLETION OF THE AVENT FERRY WIDENING FROM THE HWY 55 BYPASS TO RALPH STEPHENS ROAD.
3.	IF PHASE 2 AND A PORTION OF THE PHASE 3 HOLLY SPRINGS BASAL CREEK PUMP STATION UPGRADES AND IMPROVEMENTS IDENTIFIED ON THE DOWNSTREAM SEWER STUDY FOR THIS PROJECT ARE NOT COMPLETED WITH THE APPROVED LOWE'S MASTER PLAN, THE STEPHENS TRACT DEVELOPMENT IS RESPONSIBLE FOR THE DESIGN, CONSTRUCTION, AND COMPLETION OF THE PUMP STATION UPGRADES AND ASSOCIATED IMPROVEMENTS WITH THIS DEVELOPMENT PLAN TO SERVE THE PROJECT.
4.	A FEE IN LIEU IS REQUIRED FOR CONSTRUCTING THE REMAINING PORTION OF GRAVITY SEWER STUB AS IDENTIFIED ON THE APPROVED PRELIMINARY PLAN.
5.	ROADWAY IMPROVEMENTS WILL NEED TO BE COMPLETED PRIOR TO PLATTING OF ANY PHASE FOR THE STEPHENS TRACT SUBDIVISION.

INFRASTRUCTURE DATA														
PHASE	UNITS	STREETS [LF]	6" WATER MAIN [LF]	8" WATER MAIN [LF]	12" WATER MAIN [LF]	8" SEWER MAIN [LF]	12" SEWER MAIN [LF]	STORM DRAINAGE [LF]	SCM'S <5 AC.	SCM'S >5 AC.	IMPERVIOUS SURFACE [SF]	SEWER FLOW (255 GAL/UNIT) (GPD)	SIDEWALK [LF]	PUBLIC GREENWAY [LF]
1	29	1,278	199	1,146	—	1,421	—	888	1	—	127,702	7,395	2,319	1,449
2	67	3,111	—	2,791	—	3,587	499	4,702	—	2	259,598	17,085	4,926	239
3	125	1,498	—	1,483	—	824	—	804	—	—	321,922	31,875	2,992	—
4	71	1,934	378	1,488	—	3,732	—	2,462	—	1	232,899	18,105	3,798	—
TOTAL	292	7,821	577	6,908	0	9,564	499	8,856	1	3	942,121	74,460	14,035	1,688

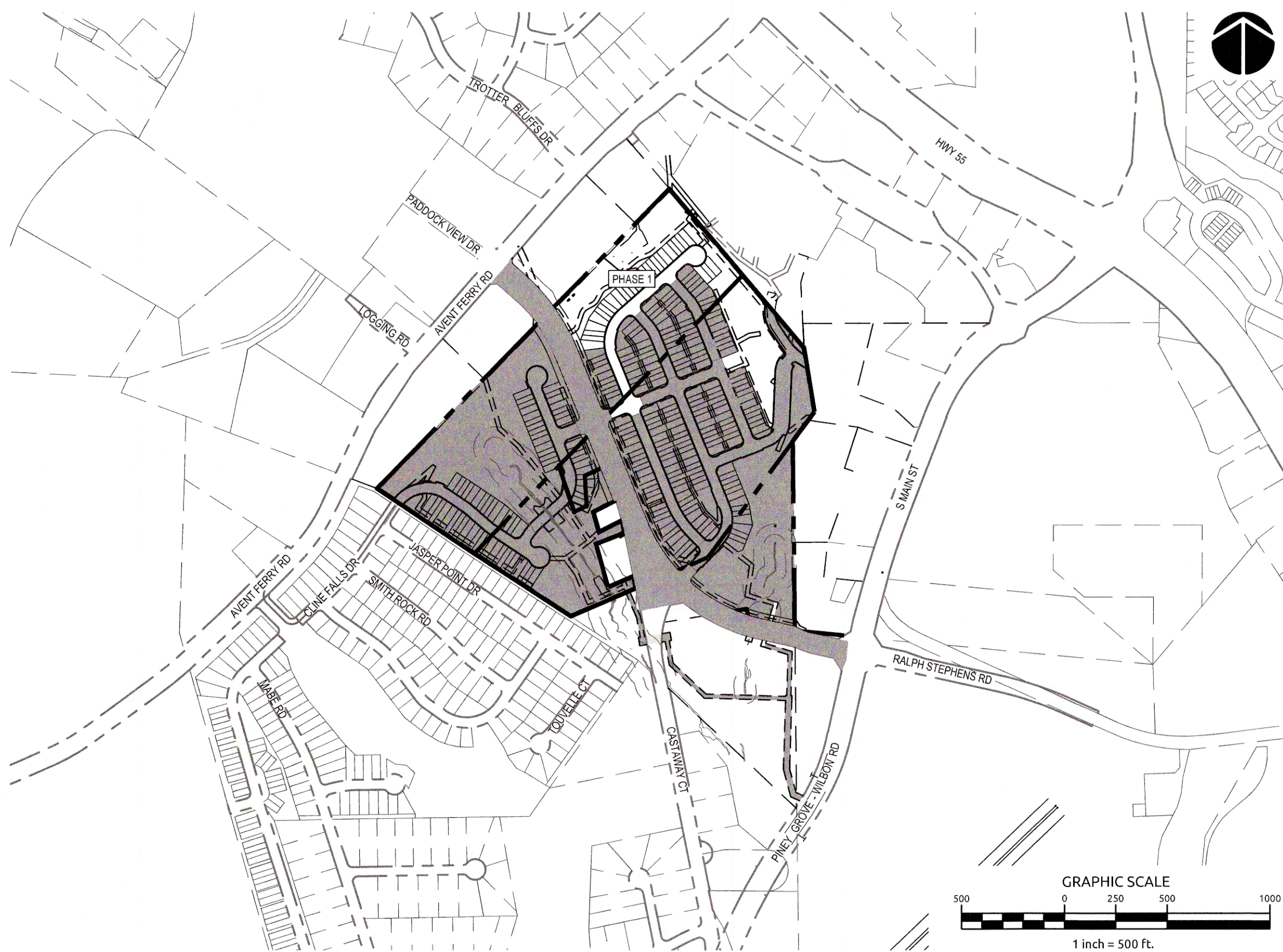
CONSTRUCTION DRAWINGS FOR STEPHENS TRACT SUBDIVISION (PHASE 1)

TOWN OF HOLLY SPRINGS, NC

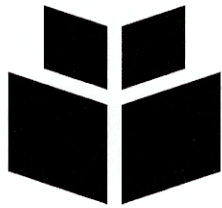
DEVELOPMENT PLAN NO. 18-DP-13 APPROVAL 02/19/2019

TOHS PROJECT NO. 18-04-01

MARCH 9, 2020



DEVELOPER	
MUNGO HOMES OF NORTH CAROLINA, INC.	
2521 SCHIEFFELIN RD, SUITE #116 APEX, NC 27502 919.390.5299	
ATTN: CHRIS SIMMERING, VP OF LAND ACQUISITION AND DEVELOPMENT	

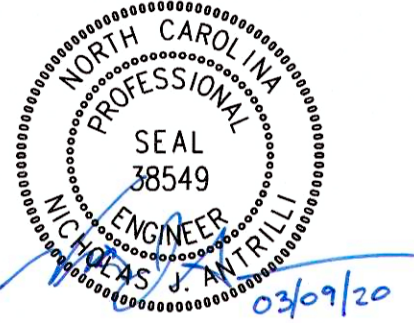
PREPARED BY:	
	
115 MacKenan Drive Cary, NC 27511 t: 919.469.3340 license #: C-0832 www.withersravenel.com	

CONTACT LIST	
PROJECT ENGINEER NICHOLAS J. ANTRILLI, P.E. WITHERSRAVENEL, INC. 115 MacKENAN DRIVE, CARY, NC 27511 TELEPHONE: (919) 469-3340 nantrilli@withersravenel.com	LANDSCAPE ARCHITECT DANIEL WHATLEY WITHERSRAVENEL, INC. 115 MacKENAN DRIVE, CARY, NC 27511 TELEPHONE: (919) 469-3340 dwhatley@withersravenel.com
OWNER/DEVELOPER CHRIS SIMMERING VP OF LAND ACQUISITION AND DEVELOPMENT MUNGO HOMES OF NORTH CAROLINA, INC. 2521 SCHIEFFELIN RD, SUITE #116 APEX, NC 27502 TELEPHONE: (919) 390-5299	

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GENERAL EROSION CONTROL NOTES	SHT 7.0	SEWER DETAILS	SHT 11.3
OVERALL PRE - EROSION CONTROL PLAN	SHT 7.1	STORM & WATER DETAILS	SHT 11.4
SKIMMER DETAILS & POND DRAIN PLAN	SHT 7.2	EROSION CONTROL DETAILS	SHT 11.5
OVERALL POST EROSION CONTROL PLAN	SHT 7.3	NCDEQ NCG01 PLAN SHEET	SHT 11.6
POST EROSION CONTROL PLAN	SHT 7.4	LANDSCAPE PLAN	SHT L1.1
POST EROSION CONTROL PLAN	SHT 7.5	LANDSCAPE PLAN	SHT L1.2
POST EROSION CONTROL PLAN	SHT 7.6	LANDSCAPE PLAN	SHT L1.3
LOT EROSION CONTROL PLAN	SHT 7.7	LANDSCAPE DETAILS	SHT L1.4
LOT EROSION CONTROL PLAN	SHT 7.8	LANDSCAPE DETAILS	SHT L1.5
LOT EROSION CONTROL PLAN	SHT 7.9	TREE PRESERVATION PLAN	SHT L2.0
R001 PLAN & PROFILE	SHT 8.1	TPA SAMPLE PLOTS	SHT L2.1
R001 & R002 PLAN & PROFILE	SHT 8.2	SITE AERIAL	SHT L2.2
R003 PLAN & PROFILE	SHT 8.3	LIGHTING PLAN	SHT SL1.0

"THIS PROJECT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE FOLLOWING PLANS, AND THE ADOPTED ENGINEERING DESIGN AND CONSTRUCTION STANDARDS OF THE TOWN OF HOLLY SPRINGS. THESE PLANS WERE PREPARED IN CONFORMANCE WITH THE APPROVED PRELIMINARY PLAN APPROVED BY THE TOWN. FURTHERMORE, THE ENGINEER WHOSE SEAL AND SIGNATURE APPEAR BELOW THIS CERTIFIES THAT THE TOWN OF HOLLY SPRINGS ENGINEERING DESIGN AND CONSTRUCTION STANDARDS HAVE BEEN THOROUGHLY REVIEWED FOR APPLICABILITY TO THIS PARTICULAR PROJECT. THESE PLANS WERE PREPARED USING SURVEY GRADE DATA IN ALL AREAS WHERE WORK IS BEING PROPOSED INCLUDING UTILITY CROSSINGS AND OTHER ENVIRONMENTALLY SENSITIVE AREAS. ANY PROPOSED EXCEPTIONS OR DEVIATIONS FROM EITHER THE STANDARDS AND/OR FROM THE APPROVED PRELIMINARY PLAN ARE LISTED BELOW."

- ALTERNATE VERTICAL ROAD PROFILE GEOMETRY AT TIE TO EXISTING ROAD
- ALTERNATE STORM DRAINAGE COVER AND MATERIAL AT TIE TO EXISTING ROAD



STEPHENS TRACT:
CONSTRUCTION DRAWINGS
WR PROJECT NO.: 02170951