Holly Springs Town Council
7:00 PM **Tuesday, October 20, 2020**
Regular Meeting
Holly Springs Town Hall Council Chambers
128 S. Main Street, 2nd Floor

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, October 20, 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); Cassie Hack, *Director Communications and Marketing*; Mark Andrews, *Communication and Marketing*; Jeff Wilson, *Director, IT;* Mathew Mutter, *IT;* Kathy White, *Deputy Town Clerk;* Melissa Sigmund, *Development Services*; Elizabeth Goodsen, *Development Services*; Rachel Jones, *Utilities and Infrastructure*; Caleb Allred, *Development Services*; Tim Athy, *Utilities and Infrastructure*; Patty Dressen, *Interim Director of Finance;* Leroy Smith, *Fire Chief;* Paul Liquorie, *Police Chief*.

Staff Members Present via video conferencing: Kendra Parrish, *Executive Director, Utilities & Infrastructure Services*; and LeeAnn Plumer, *Director Parks and Recreation.*

2. and 3. The Pledge of Allegiance was recited followed by an invocation by Pastor Jim Littleton of Holly Springs United Methodist Church.

4. Agenda Adjustment: The October 20, 2020 meeting agenda was adopted with changes, if any, as listed: add update on Transportation Bond Projects to Requests and Communications.

Motion: Berry
Second: Villadsen
Vote: Unanimous

Public Comment: Public Comment was requested in writing prior to the meeting. The following number of comments was received and provided to the Council prior to the meeting: one comment requesting changes to the Noise Ordinance, one comment in support of a UDO Text Amendment regarding fences for corner residential lots, and one comment against that UDO amendment. *Copies of these comments are attached to these minutes.*

Recognitions

5. Oath of Office: Police Chief Paul Liquorie

Mayor Sears introduced Police Chief Paul Liquorie. Linda McKinney, Town Clerk, administered the Oath of Office to Chief Liquorie, after which he said a few words.

Requests and Communications

6. Update on Organization Realignment

Town Manager, Randy Harrington, said that he had proposed this reorganization as part of the budget process. Scott Chase was assigned to this task and he thanked him for all his work, and said that the level of employment engagement was the highest he has seen and he thanked them.

Scott Chase, Assistant Town Manager, said the purpose of this item was to provide an update on recent realignment within the Town organization. In the FY2020-21 budget, the Town Manager outlined department realignments to strengthen the Town's capability to meet the public service delivery needs of tomorrow. The realignment, which became effective on October 1, created the new departments of Development Services, and Utilities and Infrastructure, as well as moving the Facilities Maintenance from Parks and Recreation to Public Works. Reasons for the realignment include simplifying leadership and resource management, enhancing the Town's ability to plan, maintain, and manage utility infrastructure assets, simplifying the customer experience, and grouping like-services together. He showed an organizational chart of how the Town was organized prior to the realignment, followed by the current organizational chart.

Mr. Chase said that Development Services combines the current Planning, Engineering and Code Inspection teams. Comprehensive services include a focus on the customer experience for individuals as well as developers, zoning administrations, development review and construction, site compliance, permits, building inspections, and long-range planning (including transportation planning.) He shared the divisions within Development Services and who their leadership would be. Utilities and Infrastructure includes Water Resources, Infrastructure, and Business Asset Management. It manages Town-owned projects and assets. He shared the divisions within Utilities and Infrastructure and named the leadership of those divisions. He said Public Services was to go back to core services. Facilities Management was moved to Public Works, and the other areas – Streets, Powell Bill, Solid Waste, and Fleet Maintenance are included in Public Works. Water Distribution, Wastewater Collection, and Pump Station Maintenance moved to Utilities and Infrastructure.

Mr. Chase said that remaining tasks include finalizing position titles and reclassifications, with requests planned to come before Council at a November meeting; rearranging office space in Town Hall, as well as relocating IT and Parks and Recreation staff to the Co-Working Station, and potentially relocating development inspectors to the Village Condo space; reviewing the processes and making enhancements to make the customer experience better; and finalizing service transitions.

Councilwoman Kelly asked what the plan was to reach out to affected communities. Mr. Chase said staff has met with some stake holders already, and plans to have further dialogue with the development community and small business once we are out of the transition. Councilwoman Kelly asked who to send complaints and requests to until that happens. Mr. Chase said he would be happy to take those calls and get them to the responsible people. Randy Harrington, Town Manager, said that when the UDO rewrite is complete, staff will have the flexibility that will help with the customer service.

7. Transportation Bond Projects Update

Randy Harrington, Town Manager, thanked Council for allowing this agenda item to be added at the last minute. Staff wanted to take this opportunity to share some important elements of the four bond projects.

Tim Athy, Utilities and Infrastructure, said the purpose of this item was to update Town Council on the 2018 Transportation Bond projects that are currently under design.

He said that for Holly Springs Road Phase II, the major roadway, utility and bridge design are completed and the environmental permits submitted. He said that with the help of Kimley Horne they have worked with NCDOT and have designed a 2-span bridge, which provides less environmental impact and lower cost than the 3-span bridge that was discussed at the workshop last winter. Final construction plans are underway, as are Duke utility relocation plans, right-of-way acquisition, and state and federal permit reviews. One of these permits has been approved. He said

that construction is estimated to start in the summer of 2021. He said that the design had been basically approved by the NCDOT, and they ran into problems with access to Holly Ridge school campus. The Cobble Ridge Neighborhood had the same predicament with the proposed design not allowing traffic to leave the neighborhood and turn left. Staff was challenged to come up with a better design, with the help of Kimley Horne.

Chad Beck with Kimley Horne said that after meeting with NCDOT, Wake County Schools, Holly Springs Police Department, and other stakeholders, they came up with a design that incorporates a roundabout at the elementary school / Cobble Point Way intersection, with the bus entrance having a right in right out, and busses using the roundabout to give them the ability to go east or west. They are still working with the DOT on other access points. This is a preliminary design to get an idea of the impact. The next step is working with NCDOT to finalize the design.

Mr. Athy said that on the Avent Ferry Road realignment, the conceptual roadway and utility design are completed, and a few months ago they held a Conceptual Design Virtual Open House. Environmental permits and studies are underway and the project is at 25% design plans, with an estimated construction start of the summer of 2022. He showed some sketches of the neighborhood enhancement planned with this realignment. He showed the conceptual plan, and indicated the alignment of the roads. A traffic signal will be installed at Pine Ave. and Main Street. The neighbors that staff met with said their first concern is to make people safe, but they also wanted the project to reflect the neighborhood and beautify it. Staff took to heart what the residents said. Residents liked the idea of the roundabout, so moving it to the intersection of Grigsby and Stinson would serve as a gateway into the neighborhood as well as control traffic.

Mr. Athy said that for the Main Street and NC 55 right turn lane projects, roadway, signal and utility design are completed; environmental permits have been submitted, and a tree study has been done by an arborist for the Main Street right turn lane. Only one large tree was found to be in the process of dying and would need to be removed. The others will remain. Final construction plans, Duke utility pole relocation plans, and landscaping plans are underway. Mr. Athy said they do not expect any right of way acquisition to be required for the NC 55 right turn lane. Construction is estimated to start in the fall/winter of 2021. If the Town receives LAPP grants for one of both of these projects, construction will be pushed forward a year to 2022 in order to utilize that money. They will be ready to go, if that is the case.

Mr. Athy said that next steps are to seek Council input for the four initial projects, complete designs for the four projects, bid Holly Springs Road Phase II in Summer 2021 and issuance of initial bond allocation in Spring 2021.

Councilman McGrath expressed that a 2-lane roundabout has some challenges. Mr. Athy said they are looking at a turbo roundabout, which divides lanes with a small median so the two lanes are separated and as you enter the roundabout, you choose which direction you are moving. People will have to learn, and there will be some public discourse, but if someone drives it once or twice they will have it mastered. Mr. Beck said that a turbo roundabout elongates the circle, which makes it only one lane except east or west where it shifts you into the correct position as you go around the roundabout. It was developed in Denmark, but there are some in NC also.

Councilman Wolff asked if this was similar in scale to the NC State roundabout on Hillsborough Street. Mr. Beck said it would be similar in size, but different in design. Councilman Wolff asked if it would require any additional land acquisition, and if there would be additional costs. Mr. Beck said it would require additional land, but the required land is HOA property, not individual or business. Mr. Athy said it would cost about $300,000 or $400,000 more.

Councilman Villadsen asked how this would impact the sidewalks. Mr. Athy said that pedestrian crosswalks would be at the upstream ends, on either side of the roundabout. To keep people from walking through the roundabout, staff is proposing landscaping that won't impeded vision, but will channel pedestrians to stay on the sidewalks.

Councilwoman Kelly asked if Cobble Ridge was fine with this plan. Mr. Athy said he was going to meet with them this week. Councilwoman Kelly asked how many homes would be impacted, particularly the one cross hatched on the map. Mr. Athy said that is an abandoned house, that is slated for demolition. Councilwoman Kelly asked if there were other homes affected. Mr. Athy said there were a few near Sunset Lake and staff is talking to them. One will have to be moved, and

for another we will build a retaining wall so that the house is not disturbed. Councilwoman Kelly asked what other outreach staff was doing for the people on Grigsby about the roundabout. Mr. Athy said that right now the Town is not far enough along in the design phase to talk to property owners. Once there is a design, if there is a house that is impacted, then staff plans to talking to them as soon as possible. Councilwoman Kelly asked if that meant there was still flexibility. Mr. Athy said it is not so much flexibility as not having the completed design to know what the impacts would be.

MPT Berry asked if there would still be a U-Turn on Holly Springs Rd. coming out of the school. Mr. Athy said that in the current design, cars turning right out of Holly Ridge would have to do a U-Turn but staff is discussing with DOT opening the median to have a dedicated left turn there, which staff believes would be the best design. MPT Berry expressed concern about the greenway connection and pedestrian safety along Holly Springs Road. Mr. Athy said that one of the LAPP grant projects is the Holly Springs School Pedestrian safety project, with the goal of making this area safe for pedestrians. Staff is looking at adding a fence or some plantings along the road and building sidewalks inside the school campus property to keep kids away from the side of the road. Councilwoman Kelly asked if bikes would share the road. Mr. Athy said there will be extra wide outside lanes for bikers who ride on the street, and 8-foot sidewalks for bikers who don't feel comfortable riding in the bike lane.

Councilman Wolff asked if the two-span bridge would bring cost savings. Mr. Athy said the roundabout adds funds, but the bridge saves money, so he estimates it could be a wash.

Randy Harrington said staff has talked a lot about pedestrian safety in that corridor, so that is top of mind. As to community engagement, staff has had a lot of engagement with residents at one end of the "tree streets", but can move to meet with those residents on the other ends of those streets. He also said that bidding the Phase II Holly Springs Road will be winter of 2021, not summer.

Public Hearings

8. Closure of a Portion of Ralph Stephens Road

John Schifano, Town Attorney, said that the purpose of this agenda item is to consider the closing of a portion of right of way between Ralph Stephens Road and S. Main Street. During the joint Town and NCDOT Main Street Extension project, a section of Ralph Stephens Road was moved to the South to create a safer, 90-degree intersection. At the September 15th meeting, Council adopted Resolution 20-27 stating their intention of abandoning this section of Ralph Stephens Rd., with the exception of the existing utility rights-of-way/easements. The land was posted and the Public Hearing advertised in the News & Observer for four consecutive weeks. The remainder will revert to the landowners.

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

Councilman McGrath asked if there was any discussion about access along that road. Mr. Schifano said the access will be worked out among the various land owners. Village Gate is the primary developer of that corner and the Town is putting together some mandatory access drives, but that would happen regardless of this action.

Action: Motion to adopt Resolution 20-33 to close a portion of right of way between Ralph Stephens Road and S. Main Street.

Moved by: Wolff
Second by: Kelly
Vote: Unanimous

9. Citizen-Initiated UDO Text Amendment for Fence Height in Residential Neighborhoods

Caleb Allred, Development Services, said the purpose of this agenda item was to consider resident-initiated modifications to the Unified Development Ordinance (UDO). He said the applicant applied for a variance for their own property and was turned down by the Board of Adjustment. The UDO does allow an applicant to apply for a UDO Text Amendment, and the applicant has done so. He reminded Council that a determination by the Board of Adjustment is not precedent setting.

Mr. Allred said that the current regulation says that fences cannot exceed 4 feet in height in a front yard, defined as a yard that faces a street. Corner lots have two "front yards" so a 6-foot high fence is allowed in the back and along one side only. He said the current regulation was created to maintain visual continuity along portions of private property that abut the right of way, allowing people using the public realm to safely view around corners, and activities occurring on abutting private property. The applicant is proposing to allow a 6-foot fence on the side of the home that faces the street with the following regulations: no chain link; requiring decorative fence features; a set back of 8 feet from the property line; required landscaping along the public facing side of the fence; and a maximum fence height of 6 feet. He said that currently permits are not required for fencing, but these changes might require a permitting process if this amendment is passed, so that staff can verify the setbacks, decorative features, landscaping, etc. There are safety concerns with this proposal, including sight lines at intersections. Also, a rewrite of the UDO is currently underway, and this might better be considered as part of the rewrite rather than a piece-meal amendment.

The Planning Board recommended approval with a vote of 9 – 0, and with the condition that the 6-foot fence be no further forward than half the distance between the rear corner and front corner of the house.

Councilman McGrath asked the Planning Board representative to come up. Courtney Patterson said that Planning Board discussed the owners' desire to use their property as they wish, balanced against the Town's needs. They thought this might be a Special Exception Use situation. They acknowledged that the UDO is being updated, but didn't think the owner should have to wait for that update to get the fence she desires. Ms. Patterson said that Planning Board wasn't concerned about the safety issues. It wasn't a point of discussion.

Mayor Sears opened and closed the public hearing, and then called the applicant to the podium.

The applicant, Joanna Holder, thanked Council for listening to her, thanked her family and introduced her neighbors there in support. She showed diagrams representing the current UDO and what the changes she proposes would do. She said the Town has grown since that UDO was written in 2002 and is different now. She said that she does not think a four-foot fence is high enough to contain children or dogs. Corner lots pose more danger to younger residents because they are close to 2 roads. A four-foot fence is not high enough to protect children. She said that people with a fear of dogs do not feel safe walking past a house with a dog behind a four-foot fence.

Ms. Holder showed a map of her property, which is a non-rectangular corner lot, and how the current UDO requirements would prevent her from having a six-foot fence for all but one-third of her property. She showed landscaping options that the Board of Adjustment suggested, and said that they might provide privacy, but not security. She said that that was not a viable option if you do not have a green thumb, is more expensive, and could evergreens could grow taller than 6 feet. She said that the Board of Adjustment process was long, embarrassing, and difficult, and there was much subjectivity in defining a "hardship."

She showed a comparison of the UDO fence provisions in other Wake County municipalities, and said that only Rolesville mirrored Holly Springs ordinance. She showed a chart of the corner lot fence requirements in PUDs in Holly Springs and how they are different from the UDO. She said that once you are a home owner, a PUD is not something that is available to you.

Ms. Holder showed some decorative fence types, and repeated the regulations that she was proposing regarding setbacks, landscaping, and decorative elements. This would affect only the side of the house, not the front. She then addressed the staff concerns saying that a permit would

be a good idea, but waiting for the UDO rewrite would not be in the best interest of the community. She said the sight triangle at intersections would be protected because you already cannot build anything that blocks the site triangle.

Councilman Wolff commended Ms. Holder for her presentation and her dedication for abiding by the ordinance as written. He said it is widespread that people do not abide by the regulation, and it is not right to punish her for following the rules. An aesthetically pleasing street scape is not more important than property owners' rights to their property. He agreed with the Planning Board's recommendation of restricting the 6-foot fence to halfway from the front corner of the house.

Mayor Sears then reopened the public hearing for any other comments. There were none and he closed the public hearing.

Councilwoman Kelly asked if permits were required, would it be for all fences, or just fences on corner lots. She said that she does not want to add a burden on staff. Randy Harrington said that one of the decisions that would have to be made is whether permitting is worth it. It would help insure uniformity and character. But that must be weighed against staff time and effort. Perhaps when violations are seen, then they could be investigated. But if it is important to Council to require permitting, that could be done.

Councilwoman Kelly asked if the UDO rewrite decides this is not a good idea, would this property be grandfathered in. Mr. Harrington said that they would.

There was discussion on whether the setbacks would be understood by homeowners as being from the right of way, not from the curb, and whether that would require permitting for staff to assist them. It was discussed that the proposed Ordinance amendment is silent on permitting, and that would be a separate discussion at a future meeting. There was discussion about HOA regulations and whether they were written to mirror Town UDO requirements, or were more strict. Melissa Sigmund, Development Services, said that the consultant who is working with the Town on the UDO rewrite brought up the same concerns that Council is discussing. Council discussed whether setbacks and decorative elements should be left to HOAs to decide, for the sake of uniformity.

Action: Motion to adopt Ordinance 20-06 with the addition of the Planning Board recommendations as follows, that fences along the corner side of the house shall not be placed closer to the front of the lot than one half of the depth of the building footprint, with the amendment to remove the proposed vegetation, decorative features, and setback.

Moved by: Wolff
Second by: Villadsen
Vote:
Aye: Kelly, Berry, Villadsen, Wolff
Nay: McGrath
The motion passed.

Consent Agenda

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

10. Minutes – The Council approved minutes of the Council Workshop meeting held September 29, 2020 and the Business meeting held October 6, 2020.

11. Monthly Budget Amendment Report – The Council received a report of monthly administrative budget amendments approved by the Town Manager. *A copy of the budget amendment report is attached to these minutes*.

12. Woodfield Dead End Road Adoption – The Council approved Resolution 20-32 adopting a segment of Woodfield Dead End Road. *A copy of Resolution 20-32 is attached to these minutes.*

13. Town Official Designation for ABC Permit Applications- The Council adopted Resolution 20-31 designating the Chief of Police as the Town Official designated to approve ABC Permit Applications. *A copy of Resolution 20-31 is attached to these minutes.*

14. Voluntary Annexation A20-08, 5200 Catherine Place - The Council adopted Resolution 20-30 directing the Town Clerk to investigate the sufficiency of annexation petition A20-08 and set public hearing for November 3, 2020.

A copy of Resolution 20-30 is attached to these minutes.

OTHER BUSINESS

Mayor Sears said that there have been 523 COVID19 cases in zip code 27540 and one death. Wake County has had 262 deaths. He commended people in our zip code for following the rules and doing their part to control the virus. He said that speeding continues to be a "disease" and asked drivers to please slow down.

Councilman Wolff thanked staff and Randy for a robust beginning to the early voting. Staff set up tents to make it more comfortable for those waiting in line. It's nice to see people using the Hunt Center for early voting. He took part in the NC League of Municipalities legislative drafting session. He said he spoke towards more local autonomy for how municipalities use land and get revenue. We need alternate sources of revenue as a town. Also, many municipalities agreed with the need for increased funding from state and federal government sources, and more stability and predictability in that funding so that municipalities can plan.

Councilwoman Kelly said she met with Troop 1937 Girl Scouts last night and they earned their government badge. The girls were thrilled that they got to meet the Mayor. Given that this is the anniversary of the 19th amendment, she said it was great for girls to see that they could be in government. She gave a shout out to Holly Springs Police Department for the "#9pm routine" program.

Councilman McGrath said that he was at the Triangle J Council of Governments meeting where they discussed the NC211 program that is accepting applications for rent and utility assistance for those impacted by COVID19. Anyone below the 80% of median income can qualify. Go to NC211.org/hope to apply. He pointed out that we need to look out for each other and pay attention mental health issues, so check in with your neighbors. The Landfill group met and has nothing significant to report. They are continuing to move forward with some items, mostly education about what the landfill is doing, and monitoring investment GFL has put in. He said the group will continue to provide updates. He said he spent last weekend helping a friend with street trees and the experience made him want to discuss the benefits of street trees from a lifecycle point of view, because they tear up sidewalks and driveways, and we need to have a policy discussion about the lifecycle costs. Finally, he said he was happy to see great voter turnout. But we need to be cognizant that voter engagement does not equal voter harassment. He put out a call for civility during the election.

Mayor Sears added to that. Many people have asked about the 50-foot buffer. We have the responsibility to remind our friends of what they can and cannot do.

MPT Berry asked if staff could do an outreach to HOA's about the fence change so that they can take action on their Covenants.

Councilman Villadsen welcomed GORaleigh to Holly Springs and thanked them for the bus service.

MANAGER'S REPORT

Randy Harrington, Town Manager, said he does not have a report tonight.

CLOSED SESSION: The Council entered into closed session, pursuant to N.C.G.S. 143-318.11(a)(3) to discuss potential litigation concerning Collins Park subdivision, and N.C.G.S. 143-318.11(a)(5) to discuss right of way acquisition.

Motion by: Berry
Second by: McGrath
Vote: Unanimous

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

Adjournment: Councilman Berry made a motion to adjourn at 9:46 pm. It was seconded by Councilman Wolff and passed with a unanimous vote.

Respectfully Submitted on Tuesday, November 3, 2020.

Linda C. McKinney

Linda C. McKinney, Town Clerk
Addenda pages as referenced in these minutes follow and are a part of the official record.