



Holly Springs Town Council
7:00 PM **Tuesday, November 3, 2020**

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

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, November 3, 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 Goodson, *Development Services*; Rachel Jones, *Development Services*; Sean Ryan, *Development Services*; Caleb Allred, *Utilities and Infrastructure*; Antwan Morrison, *Director of Finance*; Leroy Smith, *Fire Chief*; Paul Liquorie, *Police Chief*.

2. and 3. The Pledge of Allegiance was recited followed by an invocation by Jonathan Sherrod of Kirk of Holly Springs Presbyterian.

4. Agenda Adjustment: The November 3, 2020 meeting agenda was adopted with changes, if any, as listed: none.

Motion: Berry

Second: McGrath

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: three comments requesting the large oak tree at the southern edge of Rhamkatte Village not be cut down. *Copies of these comments are attached to these minutes.*

Recognitions

5. Oath of Office: Finance Director, Antwan Morrison

Mayor Sears introduced Antwan Morrison. Linda McKinney, Town Clerk, administered the Oath of Office to Mr. Morrison, after which Randy Harrington, Town Manager gave his background, and Mr. Morrison said a few words.

Public Hearings

6. Voluntary Annexation A20-06, 9024 Wesley Court

Melissa Sigmund, Development Services, said that a petition had been received from Harold and Patricia Clapper for 0.69 +/- acres at 9024 Wesley Court. Annexation is desired in order to receive Town water and sewer services. The property is located off of Holly Springs Road and is being affected by the NCDOT I-540 project.

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

Councilman McGrath asked if this annexation prevented NCDOT from taking the entire property. Ms. Sigmund said that the residents can tie in to Town utilities and NCDOT undertook the annexation so that the residents can remain in their homes.

Action: Motion to adopt Annexation Ordinance A20-06, annexing 0.69 +/- acres, Wake County PIN # 0669099476, owned by Harold and Patricia Clapper.

Moved by: McGrath

Second by: Kelly

Vote: Unanimous

7. Voluntary Annexation A20-08, 5200 Catherine Place

Melissa Sigmund, Development Services, said that a petition had been received from Mike Smith for 0.71 +/- acres at 5200 Catherine Place. Annexation is desired in order to receive Town water and sewer services. The property is next door to the previous annexation, located off of Holly Springs Road and is being affected by the NCDOT I-540 project.

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

Action: Motion to adopt Annexation Ordinance A20-08, annexing 0.71 +/- acres, Wake County PIN # 0669190547, owned by Mark Smith.

Moved by: Berry

Second by: McGrath

Vote: Unanimous

8. Oakview Innovation Rezoning 20-REZ-02

Melissa Sigmund, Development Services, said that the purpose of this item was to consider the rezoning request for Oakview Innovation Park. She showed where the two parcels included in this request are located along Holly Springs New Hill Road, and at the intersection of Holly Springs New Hill Road and Green Oaks Parkway. The site at the intersection is currently zoned RT: Research & Technology, and is requested to be rezoned to LB: Local Business. The site along Holly Springs New Hill Road is currently zoned R-30 Residential, and is requested to be rezoned RT: Research and Technology. The entire area is designated Business & Industrial on the Future Land Use Map. The two sites need to be rezoned in order to be developed.

Ms. Sigmund said that there is a Development Agreement which was approved in February of 2020, with key elements including restrictions for the LB portion of the site to prohibit Automotive Sales, Bed & Breakfast, Mortuary/Funeral Home/Crematory, Residential, Communications/Utilities, Cottage Business/Residential, Cottage School, or Tourist Home. The maximum gross main floor areas for any non-office/professional service use shall be 100,000 square feet, minimum building

height 25 feet. Primary façade requirements must be met on all sides of buildings, and public open space/green space must be provided.

Rachel Jones, Development Services, said that a Traffic Impact Analysis was completed with six intersections studied, as was a Downstream Sewer Evaluation and Preliminary Engineering Pump Station Report. She said there are two intersections which will continue to be monitored for a signal, and fee-in-lieu would be paid with Phase 1 for the intersection at Green Oaks Parkway, and for the realignment of Old Holly Springs Apex Road. The signal at Green Oaks Parkway at New Hill Road is anticipated to be constructed in the late summer of 2021. Crosswalks and pedestrian signalization at each corner have been included as part of the approved design. She said that Holly Springs New Hill Rd. and Green Oaks Parkway would be widened, and showed where new collector streets would be built with Phase I, and some for future phase construction. A new gravity sewer outfall, per the Development Agreement, will be constructed. Council previously located \$500,000 for this as part of the FY20-21 budget. She showed future greenway connection points at Green Oaks Parkway and at the Southwest boundary of the project.

Planning Board Recommendation: Rick Madoni, Planning Board, said that the Planning Board recommended approval with a vote of 8-0-1 at their October 27th meeting. They discussed that the development plan would include the greenway plans. There is no timeline for the realignment of the intersection at Holly Springs New Hill and Old Apex Road. They asked about the installation of fiber, and were happy to bring the tax balance better into balance. MPT Berry asked what the question was regarding fiber. Mr. Madoni said that Planning Board asked if the Town was going to run fiber to the area before construction started, and they were told not at this time.

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

Mr. Jonathan Keener of Trustwell Property Group 3717 National Drive, Raleigh, said the goals of this project were to expand the business park to create additional positive employment growth in Holly Springs, to add new infrastructure to support the surrounding region, to create commercial amenities for the Community and to balance the overall tax base. The purpose of the Development Agreement was to streamline developing the land for large scale employers they want to bring in, by providing the needed sewer line for the region, and to create a retail and public amenity to benefit the business park and the surrounding community.

He said that this rezoning would not change the total acreage of RT: Research & Technology land, and that the mixed-use acreage would be used to provide a community amenity, retail or office space. No apartments or single-family homes would be allowed. They have petitioned for all acreage to be annexed into Holly Springs to help balance the tax base. The next step would be individual development plans. He shared the master plan for infrastructure, and said that this would serve the area. He showed the stream buffers, natural buffers along all road ways of 30-50 feet. The idea is to keep the trees that are there already. There will be additional bike lanes, sidewalks and greenway connectivity. He mentioned the road widening that would be done as each project came on line, and pointed out the reclaimed water access and community open space in the mixed-use area.

Mr. Keener showed some concept images of what the development could look like, but said the details will come forward with later plans. He reiterated the community goals, and said that they are partnering with the Town's Economic Development department on 4 major proposals and working to bring a new life science company to the park. He said they hope to start infrastructure construction as early as 2021.

Mayor Sears closed the public hearing.

MPT Berry asked why the rezoning request was not for LB Conditional Use, instead of LB. He said he was concerned that the rezoning piece runs with the land and the Development

Agreement does not. Should someone else come in to develop, those conditions would not apply. Why is it not Conditional Use? And could it be made that.

Ms. Sigmund said that the Development Agreement was the tool that was used in this case. A conditional rezoning could also be used, but the Development Agreement is part of the contractual agreement and becomes the binding document. Many of the conditions that you often see in a conditional rezoning were included in the legal agreement that was previously negotiated. MPT Berry asked if it was correct that if the developer moves on that agreement would no longer be binding. Randy Harrington, Town Manager, said that this may be a question for the Town Attorney, who had to leave because he was feeling ill, but it was his understanding that it would. Mr. Keener said that the "successors and assigns" clause would cause the Development Agreement to follow the land. Mr. Harrington said that because it is a Development Agreement, not a developer agreement, it stays with the land.

Councilman McGrath said he felt compelled to discuss the external infrastructure. He said that access will continue to be a challenge from Holly Springs New Hill Rd. Having a more passable Holly Springs New Hill Rd. from US 1 would be valuable. He asked the staff to look for creative ways to increase the capacity of that road and the bridge.

MPT Berry said the "K" intersection at Holly Springs New Hill Road and Old Apex Rd. has a fee-in-lieu for Phase 1. He thinks Ph 1 won't affect it that much but as more and more things come in, that intersection in particular needs to be fixed. He said it is an unfunded taxpayer liability.

Mayor Sears closed the public hearing.

MPT Berry asked staff or the Planning Board representative to elaborate the fiber question. Ms. Sigmund said that Planning Board was asking about putting fiber in. But because this project is in the early stage of design, with no specific users or designs, there is not enough information to say that we are putting fiber in a particular location. These are high tech areas, and fiber will probably be expected, but now is not the time to do it. Councilman McGrath asked where the closest fiber is that could be connected to. Mr. Keener said it was Green Oaks Parkway.

Action 1: Motion to adopt Statement of Consistency.

Moved by: Villadsen

Second by: Wolff

Vote: Unanimous

Action 2: Motion to adopt Rezoning Ordinance 20-REZ-03 and Land Use Map change for Oakview Innovation Park.

Moved by: Kelly

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:

9. Minutes – The Council approved minutes of the Council Workshop meeting held October 13, 2020 and the Business meeting held October 20, 2020.

10. Voluntary Annexation A20-03, Oakview Innovation - The Council adopted Resolution 20-35 directing the Town Clerk to investigate the sufficiency of Annexation Petition A20-03 and set public hearing for November 17, 2020.

A copy of Resolution 20-35 is attached to these minutes.

11. Voluntary Annexation A20-05, Village Gate - The Council adopted Resolution 20-34 directing the Town Clerk to investigate the sufficiency of Annexation Petition A20-05 and set public hearing for November 17, 2020.

A copy of Resolution 20-34 is attached to these minutes.

12. Budget Amendment to Receive United Arts Council Grant – The Council approved a budget amendment to increase the Cultural Center-Guaranteed Performers account to recognize a \$1,200 grant from the United Arts Council of Wake County. *A copy of the budget amendment is attached to these minutes.*

13. Resolution 20-37 Designating Deputy Finance Officers - The Council adopted Resolution 20-37 designating the Assistant Finance Director and Purchasing Manager as Deputy Finance Officers. *A copy of Resolution 20-37 is attached to these minutes.*

NEW BUSINESS

14. Oakview Innovation Park Preliminary Plan, 20-MAS-02

Sean Ryan, Development Services, said the purpose of this item was to consider the Detailed Master Plan for a nonresidential subdivision, Oakview Innovation Park. He showed where the land is, on Holly Springs New Hill Road off Green Oaks Parkway. The area is Business & Industrial in the Future Land Use Plan, and is zoned (including the sections rezoned this evening) RT: Research & Technology, and LB: Local Business. He said that the master plan is for minimum of 5 to maximum of 25 nonresidential lots of 1 to 150 acres and includes the mixed-use parcel. As each property is developed, individual development plans will be submitted, and depending on the size of the project would be approved by staff or come before Council at a later date.

Rachel Jones, Development Services, said that a TIA had been performed and six intersections were studied. There are two intersections which will continue to be monitored for a signal, and fee-in-lieu would be paid with Phase 1 for the intersection at Green Oaks Parkway, and for the realignment of Old Holly Springs Apex Road. The signal at Green Oaks Parkway at New Hill Road is anticipated to be constructed in the summer of 2021. Crosswalks and pedestrian signalization at each corner have been included as part of the approved design. The new intersection will be monitored for the need for a signal. She said that Holly Springs New Hill Rd. and Green Oaks Parkway would be widened, and showed where new collector streets would be built with Phase I, and with future phase construction. She showed new thoroughfare that will eventually be extended to connect with Holly Springs New Hill Rd, and Avent Ferry Rd and eventually Buckhorn Duncan. She showed future greenway connection points at Green Oaks Parkway and at the Southwest boundary of the project.

A new gravity sewer outfall pump station, and water and reclaimed water will connect at existing watermains in Holly Springs New Hill Road and Green Oaks Parkway and will be stubbed so that they have the ability to be extended as the project expands.

Ms. Jones said that the project would connect to existing water mains and reclaimed water mains at Holly Springs New Hill Rd. and Green Oaks Parkway. New gravity sewer outfall/pump station improvements would be built per the Developer Agreement.

Planning Board Recommendation:

Rick Madoni of the Planning Board said that the Planning Board recommended approval with a vote of 8 – 0 – 1 at their October 27, 2020 meeting.

Action: Motion to approve Oakview Innovation Park with the conditions in the attachment.

Moved by: Villadsen

Second by: Berry

Vote: Unanimous

15. Public Service Operations Campus Land Purchase

Randy Harrington, Town Manager, said that he was excited to share with them the closing on the land for the new Public Services Operations Campus. He recognized Marty Clayton and Duke Energy who were great partners in this project. He said the purpose of this item was to share the location of the Public Services Operations Campus and request ratification of the sales agreement to purchase 30.94 acres. Duke Energy will be buying back an access easement estimated at \$72,950 bringing the net cost to the Town to approximately \$917,050.

Mr. Harrington showed the Utley Creek water reclamation center, the Town property surrounding that, and the property the Town will be acquiring. Then he showed a conceptual design of updating the site to provide for expansion to 8MGD, in addition to the other public service facilities. He stressed that this was not a final plan, just a concept.

Action 1: Ratify the sales agreement for the acquisition of 30.94 acres located south of Green Oaks Parkway and west of Treatment Plant Road for the development of a Town Public Services Operations Campus.

Moved by: Berry

Second by: Villadsen

Vote: Unanimous

Action 2: Approve budget amendment transferring \$917,050 from Utility Fund Reserves to Campus Project Development Account 46-510 90.05

Moved by: McGrath

Second by: Berry

Vote: Unanimous

Mr. Harrington recognized Town Attorney John Schifano and Assistant Town Manager Scott Chase for their roles in acquiring this land.

OTHER BUSINESS

Mayor Sears said that there had been 569 COVID19 cases and one death in the 27540 zip code as of November 1, 2020. There have been 21,175 cases in Wake County and 270 deaths. And he asked people to stop speeding.

Councilwoman Kelly commended the staff at the Hunt Center for their assistance with the early voting site. She said people liked having the early voting site in Holly Springs, but that we might have outgrown the Hunt Center and need a bigger space for the next large election. She said 13,000 people voted early. She said she had a good time at the Chamber of Commerce golf tournament, and she thanked Daniel Weeks, Assistant Town Manager for his coaching on her golf game.

MPT Berry said that this has been a divisive election cycle, and no matter what happens, we are going to continue to see each other in our daily lives and he hopes that there will be unity and civility as we go forward. COVID has been another layer that has added to the divisiveness and charged statements. He would like to move beyond that to become a better town and a better nation. He said that there was a pretty big outage upstream for Ting, and they have given \$25 credit on the bill of those who were affected, and a coupon for a free pizza. You don't see that from service providers, so he commended Ting.

Councilman Wolff said he agreed with MPT Berry's commendation of Ting. It was a great customer service gesture by them.

Councilman McGrath said, regarding the business park, as the Town continues to build out, we need to think about striping the internal roads in the business park. He agreed that the Town has outgrown the Hunt Center for early voting and we should try to find another site. He said he would also like to create some policies around voting sites on town property. He reiterated that suicides are still a problem, and we need to look around and reach out to our neighbors.

Mayor Sears said that Halloween went very well and he complimented the parents, kids, and the Holly Springs Police Department for that.

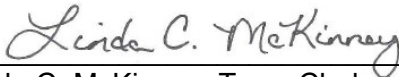
MANAGER'S REPORT

Randy Harrington, Town Manager, said he had two items. The Town's annual Veterans' Day event is Weds. at 10:00 in Veterans Park and will be livestreamed on the town Facebook page. Second, he wanted to thank Patty Dressen for her work as Interim Finance Director. She did a great job with some significant refinancings, as well as keeping the department and the Town going during the interim period.

CLOSED SESSION: None.

Adjournment: Councilman Berry made a motion to adjourn at 7:58 pm. It was seconded by Councilman McGrath and passed with a unanimous vote.

Respectfully Submitted on Tuesday, November 17, 2020.



Linda C. McKinney, Town Clerk

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