



MINUTES

The Holly Springs Town Council met in regular session on Tuesday, October 19, 2021 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 in the Chamber 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*; Scott Chase, *Assistant Town Manager*; Daniel Weeks, *Assistant Town Manager*; John Schifano, *Town Attorney*; Linda McKinney, *Town Clerk* (recording the minutes); Mark Andrews, *Communications and Marketing*; Mathew Mutter, *IT*; Chris Hills, *Director, Development Services*; Cheryl Caines, *Development Services*; Sean Ryan, *Development Services*; Rachel Jones, *Development Services*; Elizabeth Goodson, *Development Services*; Bronwyn Bishop, *Development Services*; LeeAnn Plumer, *Director, Parks and Recreation*; Adam Huffman, *Parks and Recreation*; Matt Beard, *Parks and Recreation*; Kendra Parrish, *Executive Director of Utilities and Infrastructure*; Aaron Levitt, *Utilities & Infrastructure*; Rachel Ingham, *Utilities & Infrastructure*; Corey Petersohn, *Administration*; Irena Krstanovic, *Director, Economic Development*; Paul Liquorie, *Police Chief*; Cassie Hack, *Director, Communications*.

2. and 3. The Pledge of Allegiance was recited followed by an invocation by Horace Ferguson, Pastor Emeritus of Holly Springs United Methodist Church.

4. Agenda Adjustment: The October 19, 2021 meeting agenda was adopted with changes, if any, as listed: pull item 15 for discussion.

Motion: Berry

Second: Wolff

Vote: Unanimous

Public Comment: At this time, an opportunity was provided for members of the audience who had registered to speak to address the Council, and the Clerk was asked for any written comments received prior to the meeting.

The following written comments were received: none.

The following comments were received in person: Aaron Lurie expressed concern about the photograph policy that does not allow public photographers to restrict access to parts of parks and does not allow light equipment etc. He would like to work with the Town to rewrite the policy.

Recognitions

5. United States Tennis Association Award

Laura Weygandt, Western Wake Tennis Association, was joined by Meghan Rider, and Brian Rosenthal, RDU Tennis, and presented the Holly Springs Parks and Recreation Department

with the 2021 USTA North Carolina Outstanding Parks & Recreation Department Award. The award is presented to the Department that made the greatest impact on its community during the past year through programming, events, and partnerships. Ms. Weygandt thanked staff for work to support the sport of tennis. Mr. Rosenthal said RDU Tennis has been partnering with the town for 3 or 4 years. He thanked staff for all they have done to support the tennis program at Ting Park. Ms. Rider said she captained 14 teams in Holly Springs this year. She also thanked Parks & Rec staff, and Council for providing the facility.

6. Breast Cancer Awareness Month

Mayor Sears read the proclamation, and declared October as Breast Cancer Awareness Month in Holly Springs.

Public Hearings

7. 8420 James Rest Home Road Rezoning 21-REZ-02

Cheryl Caines, Development Services, said the purpose of this item was to rezone around 18.5 acres from R-30 to IT CU: Industry & Technology Conditional Use. She showed where the site is, along James Rest Home Road, off of New Hill Holleman Road. The site is currently zoned R-30 as are the surrounding parcels, and is designated Business & Industrial on the Future Land Use Map. The petition is to rezone it to IT CU: Industry & Technology Conditional Use.

Rachel Jones, Development Services, said that the nearest water and sewer is over three miles away, but a condition would be added that they must connect when they are available. She said that no roadway improvements would be required. However, the site drive and surrounding roadway would be improved to meet industry standards and NC Fire Code.

Ms. Caines said that Planning Board representative could not be present tonight, but the Planning Board recommended approval 8-0-1. Discussion included what types of materials would be stored on-site, and the timing of connecting to utilities.

Mayor Sears opened the Public Hearing and the following input was received:

Steven Kurtz and Chris Baley, applicants, said theirs is a local business of ISA certified Arborists. CS Tree Services is a TCIA Accredited Company. Mr. Kurtz said they propose using the property for office space and a parking area for trucks. They showed the current aerial view, and the planned use. Mr. Baley said a neighborhood meeting was held, and residents had no significant concerns. There was concern about the road supporting the trucks, and CS Tree Services agreed to monitor the road and do any work needed. There are currently 10 employees, with a plan to expand to 20. Construction would start in the spring of 2022. The three wooded parcels with no access will stay as they are.

Mr. Baley said they will place parking to the rear and side of the buildings to reduce visibility and provide screened fencing and landscape screening to adjacent properties. They will maintain a 20% tree preservation threshold.

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

Council member Kelly asked if there were going to be parameters to limit the number of buildings compared to the storage yard, and when the utilities would arrive.

John Schifano, Town Attorney said they would not be required to connect to utilities until they were available. When the Town runs a utility line to that area, connection would be required. Ms. Caines said in this zoning there is a maximum amount of area that they can use for outdoor storage specified in the UDO.

Action: Motion to adopt Rezoning Ordinance RZ21-06 to adopt statement of compatibility and to approve rezoning.

Motion by: Villadsen

Second by: Berry

Vote: unanimous

8. Green Oaks Tech Center PUD 21-PUD-01

Sean Ryan, Development Services, said this item was to conduct a legislative public hearing and to consider a request for a PUD rezoning, Master Plan and Development Agreement. Council may move forward, but the Development Agreement not being ready, they may wish to continue that until the November 16, 2021 meeting. He showed where the approximately 120 acre property is located, partially in the town limits, and partially in the ETJ, and said that an annexation petition was in process. The request is for rezoning to a Planned Unit Development (PUD) and approval of the PUD Master Plan. The Future Land Use Map designates this site as Innovation Village for mixed use modern business park, supporting major employment centers and supporting uses in a pedestrian friendly environment. The existing zoning is part BT, CU and part R-30.

The applicant proposes dividing the project into three districts: Innovation District for Research & Technology and office uses; Commercial District for neighborhood, local and regional commercial uses, in addition to Innovation District uses; and Southern Edge District, for office and industrial uses. There are two permitted Master Plans with this rezoning, one with these three districts, and one that is entirely Innovation District, to respond to Economic Development opportunities. The applicant would decide which of these at the time of Master Plan Submittal. The applicant proposes 11.93 acres of developed open space, 11.93 acres of tree preservation, for a total of 23.89 acres of total open space. He showed where this space could be, determined by the final development plan. Mr. Ryan showed examples of the types of architectural design elements that would be used in the Innovation District.

Rachel Jones, Development Services, said all necessary utility studies have been completed and showed where the sewer lines would be run. Potable and reclaimed water are available in this section. She said a Traffic Impact Analysis (TIA) was required and 11 intersections were studied. On-site improvements required are road widening across property frontages, new internal street network including extending Old Holly Springs Apex Rd. to Thomas Mill Rd., turn lanes at major access points, and a new traffic signal at the access across from Hensley Place. Off-site improvements will be phased along with the development and include the design and construction of the realignment of Old Holly Springs Apex Rd./Holly Springs New Hill Rd; paying a fee-in-lieu for widening NC 55; and contributing a fee-in-lieu toward improving the intersection of Old Holly Springs Apex Rd/Bennet Knoll Parkway.

Elizabeth Goodson, Development Services, outlined the major components of the draft Developer Agreement. She said the total expected project cost for the realignment is \$1.8 million. She explained the current fees-in-lieu that have been paid towards the Old Holly Springs Apex Rd & New Hill Rd. realignment, and those that are expected from future projects. She said that there is a funding gap of \$507,000 between those and the estimated total cost of the realignment. She said Green Oaks Tech Center is interested in paying their share, and in constructing the realignment.

Randy Harrington, Town Manager, requested feedback from Council as to whether they want to move the realignment earlier, or wait until 2026.

Consensus of Council was they wanted to move ahead on this realignment. Mr. Harrington said when that when this matter comes back on the 16th, they will continue to work with the applicant to bring something to Council on this realignment.

Matt Beard, Parks and Recreation, showed where proposed greenway trails would run along the Southern Edge District (and the creek) and then up to Holly Springs New Hill Road. He said staff is working with the developer to bring the sidepath out at a signalized intersection to provide safe crossing.

Council member McGrath asked if the sidewalk would be widened in front of Hensley. Mr. Beard said that sidewalk is wider than most, so at this point they would focus on getting the path connected, and could look at the width of the sidewalk later.

Mr. Ryan said that Planning Board voted to recommend with a vote of 7-1-1. The discussion was primarily focused on traffic, and the one dissenting vote was due to this concern.

MPT Berry asked for clarification on whether a use that is not listed in the PUD becomes a Special Exception Use, or is not permitted. Mr. Ryan said that if a use is not listed, it is not permitted.

Mayor Sears opened the Public Hearing and the following input was received:

Elizabeth McMillan with Crescent Communities, said staff's presentation was very thorough so she would move quickly. She gave an overview of Crescent Communities and said they hope to expand the commercial tax base of the Town. She said this was a full commercial plan, with no residential. She outlined the uses allowed in each of the three districts. She discussed the transportation improvements, as outlined by staff. She said they are committed to sustainability and wellness and will work with end users as they come in to the project.

Council member McGrath asked about the potential of a solar farm and asked if it would necessitate clear cutting this heavily wooded area. Ms. McMillan said they would maintain their commitment to tree preservation and open space, but wanted solar farm included as a permitted use in case a developer wanted it on their site.

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

Council member McGrath asked about the maximum height for buildings in the Innovation District. Mr. Ryan said he thought it would end up at 100 ft., but he was not sure. But it is not as high as the hospital, which is 140 or 150 feet.

Action: Motion to continue deliberation of Rezoning Ordinance RZ21-05 and consideration of the Developer Agreement for Green Oaks Tech Center to the November 16, 2021 meeting.

Motion by: Wolff

Second by: McGrath

Vote: unanimous

9. Voluntary Annexation A21-03, Friendship Development

Bronwyn Bishop, Development Services, said that this item is hold a legislative public hearing to consider annexation of approximately 240.75 acres in the Friendship Development site. The land is currently owned by Charles Daniel Baucom and Duke Energy Progress. She showed where the land is along Friendship Road and US 1.

Mayor Sears opened the Public Hearing and the following input was received: none.

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

Action: Motion to adopt Annexation Ordinance A21-03, annexing 240.75 +/- acres owned by Charles Daniel Baucom and Duke Energy Progress.

Motion by: McGrath

Second by: Kelly

Vote: unanimous

10. Friendship Development Rezoning 21-REZ-03

Sean Ryan, Development Services, said that this was a request to rezone approximately 225 acres from R-30 Residential to RT Research & Technology and CB Community Business. He showed the location of the property and that it was designated Business & Industry and Innovation Village on the Land Use and Character Plan, and is currently zoned R30 Residential. He explained what uses were supported by the proposed zoning.

Rachel Jones, Development Services, said that public utilities are being provided by the Developer in partnership with the Town's Design-Build utility extension project to the northwest area of Town. She said a Traffic Impact Analysis (TIA) was required and nine intersections were studied,

including multiple site access points off of Friendship Road. She showed where road improvements would be made along Friendship Road and Woods Creek Rd.

Matt Beard, Parks and Recreation, said the proposed greenway plan would include connections to Apex, because it is so close to their jurisdiction. Connections could include Humie Olive Road, the American Tobacco Trail and Pleasant Park.

Mr. Ryan said the Planning Board recommended approval with a vote of 8-0-1. Primary discussion was around traffic and solar panels.

Mayor Sears opened the Public Hearing and the following input was received:

Jon Keener with Trustwell Property Group said that the project would develop the area in accordance with the Town's adopted Future Land Use Plan and expand the business park to appropriate areas to create quality job growth for the community. He said this would streamline developing the land for large scale employers by providing the needed zoning and infrastructure to the region and create a retail and public amenity to benefit the business park and the surrounding community. He gave an overview of the Master Plan showing the Community Mixed Use area at the northern end of the property, and the location of the Amgen site. He outlined the community infrastructure benefits of preserving stream buffers, natural buffers both along all road ways and between properties, adding bike lanes, sidewalks and greenway connectivity, roadway improvements along Friendship Road, and the benefits of extending utilities to the area. He showed concept images of architectural styles for the area, as well as some current Holly Springs businesses.

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

MPT Berry if DOT road improvements were part of this plan. Mr. Keener said those are mostly coming with Amgen, but we are partnering with DOT in conjunction with what is going on here. MPT Berry said Friendship Rd. should be widened all the way, rather than becoming an hour glass. Council member Kelly asked if they had considered parking decks, to have less parking surface and more green space. Mr. Keener said that would come with site development plans as they come through.

Action: Motion to adopt Rezoning Ordinance RZ21-04 to adopt the statement of compatibility and approve rezoning for Friendship Development.

Motion by: McGrath

Second by: Berry

Vote: unanimous

11. Voluntary Annexation A21-04, Elementary School E-52

Bronwyn Bishop, Development Services, said that this item is to hold a legislative public hearing to consider the annexation of approximately 42.05 acres along Rex Road. The land is owned by the Wake County Board of Education who plans to use it for an elementary school that would serve students on this side of town.

Mayor Sears opened the Public Hearing and the following input was received: none.
There being no input, Mayor Sears closed the public hearing.

Margaret Sutter, Director of Real Estate Services, wake County Public Schools, said she was happy to be here. She introduced Kenneth Haywood, attorney for WCPS. They offered to answer any questions about this annexation. There were no questions.

Action: Motion to adopt Annexation Ordinance A21-04, annexing 42.05 +/- acres owned by Wake County Board of Education.

Motion by: Villadsen
Second by: Kelly
Vote: unanimous

Consent Agenda

The Council passed a motion to approve all items on the Consent Agenda, with the exception of item 15, which was pulled for discussion. The motion carried following a motion by Council member Berry, a second by Council member Villadsen and a unanimous vote. The following actions were affected:

12. Minutes – Council approved the minutes of the Business Meeting held October 5, 2021.

13. Bass Lake Spillway Design Contract – The Council approved the Bass Lake Spillway Design Contract with LJB Inc. in the amount of \$78,000.

14. Budget Amendment Report and Quarterly Budget Amendments - Council received the quarterly budget amendment report, approved the budget amendment transferring the net revenue from inspection related restricted revenues to the grants and special revenue fund, and adopted Ordinances 21-43, Street and Sidewalk Projects; 21-44, Grants and Special Revenue; and 21045 PAYGO Capital Projects. *Copies of the budget amendment, the Ordinances, and the report are attached to these minutes.*

Pulled for discussion.

15. Locally Administered Projects Program (LAPP) Grant Applications – MPT Berry asked to discuss this item largely to get an understanding of how the projects were prioritized.

Aaron Levitt, Utilities and Infrastructure, said that the application does not commit the Town to anything. If the Town is awarded a grant, that would be brought back to Council for approval. He explained that projects are chosen according to criteria that make them more likely to receive a grant. The sidewalk project was chosen because it is a short segment that connects two large areas of sidewalk, so it has a large impact for a smaller price tag. This makes it attractive to CAMPO.

Town Manager Randy Harrington said that we look first at projects that Council has articulated as high priority projects, but sometimes staff makes a judgment call in order to choose projects that are more likely to be accepted and receive a grant.

Council member McGrath said since CAMPO criteria have been migrated it is important for Council to understand how we synchronize. Mr. Levitt said staff actually works with CAMPO in advance and they make suggestions for which projects may score better than others and be more likely to receive funds.

Action: Motion to approve LAPP Grant application for the NC 55 Right Turn Lane – Green Oaks Parkway to Avent Ferry Road Transportation Bond Project, and the LAPP Grant application for the N. Main St. Sidewalk Connector, Arbor Creek Dr. to Anchor Creek Way, Bike/Pedestrian Project.

Motion by: Berry
Second by: McGrath
Vote: unanimous

NEW BUSINESS

16. Amendment to Local State of Emergency Declaration Ordinance

Randy Harrington, Town Manager, said that Council had requested changes to the Emergency Declaration Ordinance at their workshop on September 14th. He outlined the reasons for having an emergency declaration ordinance in the first place, and what authorities are granted to a municipality by the General Assembly regarding emergency declarations. He outlined two recommended amendments to the current Ordinance. The first would remove the necessity of a written recommendation by the Town Manager “upon consultation with the chief of police and fire chief” and the second would require the Mayor to report to Council at their next duly called meeting after the declaration, outlining the need for the declaration, the circumstances requiring the declaration, and the likely duration of the declaration. He said the language “Council may rescind, alter, or modify the declaration by majority vote at any duly called meeting.” had been added to articulate the right which Council has always had.

Council member McGrath said that unity of decision making is important. The written recommendation doesn’t need to be in there, but he would like to articulate in the Ordinance that it would be done in consultation with the Police and Fire Chiefs, rather than having a single person make it by right. He wants it to read “in consultation with . . .” Council member Kelly said that it is implied that any Mayor would consult the emergency services before issuing a declaration. Council member Wolff said he was fine with it as written. He said that what Council member McGrath brings up is best practice but doesn’t need to be codified. What we agreed on at the workshop is fine. Council member Villadsen said since the declaration is coming back to Council, Council can have their impact as well. It’s hard to put that in an ordinance without requiring it be in writing. MPT Berry said he takes comfort that it would be coming back to Council, so he doesn’t need it to be in writing that the Mayor would confer.

Action: Motion to adopt Ordinance 21-46 to remove the formal requirement for a state of emergency declaration recommendation to the Mayor by the Town Manager in Town Code Section 12-652(a) and add Section 12-652(i) to require the Mayor to provide a report to the Council at the next duly called Council meeting following a Mayoral state of emergency declaration.

Motion by: Berry

Second by: McGrath

Vote: unanimous

OTHER BUSINESS

Mayor Sears said don’t forget that the Hospital is opening on November 1st. It is ready and looks terrific. Also, don’t forget to vote on November 2nd. Your local votes are more important than votes in the Presidential election. Council member Wolff said that many people online are asking where early voting sites are. It’s in Apex and the lines aren’t long.

Council member Wolff then said that the Lt. Governor has made some unfortunate comments regarding LGBTQ people. He does not think those comments befit anyone holding public office. But the bigger problem is that those words have very real impacts. They embolden others to practice discrimination and make them feel unwanted. The most vulnerable are our youth, as we saw a few years ago here in Holly Springs. The Trevor Project says that 2 in 5, 40%, of LGBTQ youth have considered suicide. The risk is greatly reduced when their identity is accepted by all or most people. We need to help prevent suicide. We can’t make everyone recognize their identity, but Wake County has shown us the way, with their recent decision. Wake County has invited municipalities to sign on to this ordinance, to create a cohesive county-wide policy. Raleigh has accepted the invitation, and Apex wrote their own anti-discrimination policy back in June. He would move that we sign on to this Ordinance. It is the right thing to do to stand with marginalized communities. It is the right thing to do for Holly Springs. FUJIFilm told the County that they supported this, and other large companies looking to relocate make that a requirement. They do not want to move their employees to a place where they have fewer rights than where they were before. Let’s make Holly Springs a place where everyone feels welcome.

Council member McGrath asked what the implications would be, since he had not had the chance to read the County's Ordinance. John Schifano said he was impressed with the strength and the depth of the County Ordinance. It does a lot and possibly creates work for managers and attorneys. Employment law is a huge part of this ordinance. There is a large body of law in the Federal Court for these types of claims. We would need to be careful not to step into the EEOC's jurisdiction. He doesn't think the Wake County ordinance does that, or Apex's ordinance. They are written to "stay in their lane." The enforcement mechanism is a little challenging. The County ordinance sends a complainant to the manager to attempt reconciliation, and if that fails, to seek an injunction against the company. Some situations are clear-cut and egregious, and you would want to legislate those. Raleigh passed a resolution to adopt the County's Ordinance. This could create a lot of work for the County Manager and Attorney.

Council member Wolff said that's why he would like a motion for a resolution. By doing what Raleigh has done, it allows Wake County to enforce the law within Raleigh, so these actions are handled by the County. If we write the resolution correctly, it would not add to the Town's workload. Mayor Sears said he agreed, and he was comfortable with signing on to the county ordinance. Council member Kelly said the numbers are staggering, how many people identify as LGBTQ. It is thousands of people in Holly Springs. This is a huge initiative for our new hospital, given the suicide rates, and the number of youth who identify LGBTQ. The companies that are coming to us support this. She said she was in full support. Council member McGrath said if Wake County agrees that if we sign on to this that they enforce it, he would support it. He likes that it also includes other classes of people who are discriminated against. MPT Berry asked if businesses were accountable, or only the government. Mr. Schifano said it applies to everyone, with the exception of religious organizations.

Action: Motion to direct Town attorney to draft a Resolution for Council to consider signing on to Wake County's ordinance.

Motion by: Wolff

Second by: Kelly

Vote: unanimous

Council member Kelly said there have been some unpleasant malodor days from the landfill, and asked that people fill out the form if they smell it. The County and GFL are being more proactive, so please continue to engage. In good news, Holly Springs United Church of Christ is celebrating their 150th anniversary. Holly Springs First Baptist is celebrating their 155th anniversary this Sunday, and invites the community to celebrate with them.

Council member Villadsen asked if, with the State Fair in progress, the landfill was operating extended hours. John Mullis, Interim Public Works Director, said no. Council member McGrath said there is good progress on the eNose sensors and we should have more verifiable data soon.

Council member McGrath said that in some recent disturbing trends: 33,177 veterans have died due to suicide since September 11th. The rate is climbing and is concerning. And it is climbing among non-veterans too. To him CARE means Competence, Accountability, Resilience, and Empathy. He asked everyone to use this acronym to assist those who may have lost hope. He asked that everyone look out for their neighbors.

MANAGER'S REPORT

Randy Harrington, Town Manager, reported that leaf season pickup runs from November 1, 2021 to February 4, 2022 with bi-weekly pickup to accommodate heavier volumes of yard waste. Residents will receive six loose-leaf collections over the 12-week period. Residents should have received, or will shortly receive, a mailer showing their collection days. On the town website there is also a map that is clickable to help residents know when their collection day is. If residents can get the waste to the proper location on the curb, that helps us to pick it up more efficiently. He thanked staff for the work they do out in the community.

Second, he thanked the Mayor for the Breast Cancer awareness proclamation. One of our firefighters recently lost his wife to breast cancer. On Oct. 29th the Holly Springs Police Department and Fire Department will have a “battle of the badges” softball game at Ting, and the proceeds will go to the Harasti family. The game starts at 5 pm.

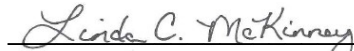
CLOSED SESSION: The Council entered into closed session, pursuant to N.C.G.S. 143-318.11(a)(4) to discuss an economic development matter.

Motion to seal the closed session minutes was made by MPT Berry seconded by Council member Villadsen and passed with a unanimous vote.

Motion to leave closed session was made by MPT Berry, seconded by Council member Kelly and passed with a unanimous vote.

Adjournment: MPT Berry made a motion to adjourn at 9:45 pm. It was seconded by Council member McGrath and passed with a unanimous vote.

Respectfully Submitted on Tuesday, November 2, 2021.



Linda C. McKinney, Town Clerk

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