



MINUTES

The Holly Springs Town Council met in regular session on Tuesday, February 21, 2023. Mayor Mayefskie 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 Mayefskie, Mayor Pro Tem Dan Berry, Council members Aaron Wolff, Shaun McGrath, Timothy Forrest, and Danielle Hewetson.

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); Mathew Mutter, *IT*; Corey Petersohn, *Budget and Sustainability*; Chris Hills, *Director, Development Services*; Elizabeth Goodson, *Development Services*; Cheryl Caines, *Development Services*; Aaron Prichard, *Development Services*; Catherine Jacobs, *Development Services*; LeeAnn Plummer, *Director, Parks and Recreation Director*; Matt Beard, *Parks and Recreation*; LeRoy Smith, *Fire Chief*; Cassie Hack, *Director, Communications & Marketing*; Paul Liquorie, *Police Chief*; Irena Krstanovic, *Director, Economic Development*; Kathy White, *Deputy Clerk*.

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

4. Agenda Adjustment: The February 21, 2023 meeting agenda was adopted with changes, if any, as listed: pull item 13 to be discussed under New Business

Motion: Berry
Second: McGrath
Vote: Unanimous

RECOGNITIONS

5. Council member Danielle Hewetson Oath of Office

Mayor Mayefskie introduced the newest council member, Danielle Hewetson. Linda McKinney, Town Clerk, administered the Oath of Office.

6. Developmental Disabilities Awareness Month Proclamation

Mayor Mayefskie declared March as Developmental Disabilities Awareness Month and presented the proclamation to Beth Gaul of Abound Health.

7. 2023 Year of the Trail Proclamation

Matt Beard, Parks and Recreation, said that the General Assembly had proclaimed 2023 to be the Year of the Trail in North Carolina and that North Carolina would be known as the Great Trails State. He outlined the goals for the year, showed a short video focusing on the Carl Dean Greenway, and announced several upcoming activities surrounding the celebration. Mayor Mayefskie proclaimed 2023 the Year of the Trail in Holly Springs.

8. Arbor Day Proclamation

Cheryl Caines, Development Services, introduced Marissa Parker and Thomas Urquhart, members of the Tree Advisory Committee. She said that North Carolina celebrates Arbor Day on March 17th. This year the Tree Advisory Committee was sponsoring activities to celebrate on Saturday, March 18th, including a tree seedling giveaway at the Farmer's Market, showing The Lorax, and a littler clean up to kick off NC Creek Week. Mayor Mayefskie presented the proclamation to the members of the Tree Advisory Committee declaring March 17th as Arbor Day in Holly Springs.

REQUESTS AND COMMUNICATIONS

9. LaunchHOLLYSPRINGS Update

Bob Shimmel, Program Manager of LaunchHOLLYSPRINGS, gave his annual update on the LaunchHOLLYSPRINGS four-part program. He said the 2022-23 Cohort was the largest ever with a near-record number of applicants. The cohort was over 35% minority, and added the 6th nonprofit business to the ranks of those who came through the program. He said that 90% of their graduates are still in business and approximately 40 have opened new locations, expanded services, and/or hired additional employees. He outlined changes made to the program in 2022 to strengthen it and expand messaging, and shared the development plan for 2023. Finally, he thanked Council for their support, past and present.

10. Parks and Recreation Advisory Committee Annual Report

Susan Smith, Chair of the Parks and Recreation Advisory Committee, said she was here to give the annual report to Council. She outlined the focus areas the Parks and Recreation Advisory Committee (PRAC) committed to in 2022 and what they had done around those areas. She spoke about outreach at the Farmers Market and HollyFest. She said the PRAC had supported greenways and trails with tours of all the greenways last spring, the First Day Hike on New Years Day 2023, and the Utle Creek Greenway ribbon cutting. The committee is also dedicated to supporting Tree Advisory Committee activities and other town activities.

Ms. Smith outlined the focus areas and initiatives for 2023 which included:

- Playing an integral role with the fall 2023 Parks Bond initiative;
- Actively participating in the Cass Holt Rd. Park design;
- Receiving staff and public feedback on programs and projects;
- Providing input on projects recommended in the Parks, Recreation and Greenways Master Plan;
- Actively engaging with Town-wide boards and committees; and
- Actively participating in Town/Community events.

Council member McGrath asked for examples about what high schools are looking for in Parks and Rec. Ms. Smith said that the Teen group was new and the representative to PRAC has only been to one meeting so far, but she thinks they will listen to them for programing ideas.

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 public comments were received in writing: none.

The following comments were received in person:

Duane Hansen was called on and declined to speak.

Karen Mulligan passed

Steve Bergstrom said last month after his remarks regarding the NDO he was interviewed by the media about his opinion and why this has become a hot topic. He thinks it has been politicized. He

spoke about issues from the past that didn't result in any action. He thinks the NDO opens it up for bad actors to come in and use the NDO for reasons that we don't want the NDO. He's proud to live in Holly Springs, but he thinks Holly Springs is inclusive, loving, and understanding and that *if* discrimination happened in Holly Springs, it would be dealt with quickly.

Sylvia Bare said she lived in the Holly Hill area near the new Friendship Development. She was here to petition for water for her neighborhood. She has been here 30 years. Holly Springs has grown a lot since then, and she still does not have water. The Friendship Development is running a 24" water line through her property but she is not permitted to access this water. She spoke of her frustration in not being allowed to access the water. She said she felt like she helped build the town and shouldn't have to haul water.

Lisa Hahnman said she lives next door to Ms. Bare. She loves the acreage and being able to raise her chickens and grow a garden. But her well went dry. So now she has to haul water. She pays county taxes and thinks she should be allowed to hook up to water. She wants to have a salon in her house but can't put in an extra sink because she won't have water.

William Ball said he was here to invite everyone to the Black History display at the Cultural Center. There will be a movie night on Friday, with heavy hors oeuvres and The Woman King. On Saturday they will show Princess and the Frog for the kids. He said that black history is American History and there is a rich display at the Cultural center from 12 – 7 each day. He invited everyone to Compassion Day on the 26th of August. John Gilbert (Apex Mayor) wants to play basketball and softball against the Council.

Consent Agenda

The Council passed a motion to approve all items on the Consent Agenda with the exception of Item 13 which was pulled for discussion. The motion carried following a motion by MPT Berry, a second by Council member Forrest and a unanimous vote. The following actions were affected:

11. Minutes – Council approved the minutes of the January 10, 2023 workshop meeting and the January 17, 2023 business meeting, and the January 31, 2023 joint meeting with Apex Town Council.

12. Monthly Budget Amendment Report – The Council received the monthly budget amendment report, approved the FY23 budget amendment for a Ladder Truck, and adopted budget Ordinances 23-04 and 23-07.

Copies of Ordinance 23-04 and Ordinance 23-07 are attached to these minutes.

(Item 13 pulled from Consent for discussion.)

14. Service Agreement for SCADA System Upgrades Phase 1 – The Council authorized the Town Manager to approve a service agreement for the purchase and installation of SCADA equipment in the amount of \$473,000 to upgrade system components for continuous monitoring of utility assets, and authorized the Town Manager to approve any change orders or additional contracts that are necessary for the SCADA Upgrades project that are within the Town Council approved project budget and scope.

15. Middle Creek Greenway Construction Contract Amendment / Change Order – The Council approved construction contract change order for Fred Smith Company in the amount of \$518,250 (including contingency) for the construction of the Middle Creek Greenway to account for materials, supplies, and labor inflation, and authorized the Town Manager to sign and execute the

change order in the amount of \$318,231. Council adopted Parks and Recreation Capital Project Ordinance 23-05 to add \$377,863 to the project budget, and authorized the Town Manager to sign and execute any contract within the approved project budget, project scope, and current and prior Council actions.

A copy of Ordinance 23-05 is attached to these minutes.

16. Avent Ferry Road Widening Project – NCDOT Supplemental Agreement – The Council approved Supplemental Agreement with NCDOT for Supplemental Funds for an increased total NCDOT amount of \$400,000, adopted Street and Sidewalk Capital Project Ordinance 23-06 to appropriate \$400,000 in additional NCDOT reimbursements, and authorized the Town Manager to sign and execute any contracts to close the project that are within the approved project budget, project scope, and consistent with this and prior Council actions and intent.

A copy of Ordinance 23-06 is attached to these minutes.

17. Yard Waste Interlocal Agreement (ILA) Amendment with the Town of Apex – The Council approved the Yard Waste Interlocal Agreement Amendment with the Town of Apex.

18. Amend Town Council Calendar of Meetings – The Council amended their 2023 Calendar of Meetings to cancel the meeting scheduled on March 7, 2023.

19. Voluntary Annexation A22-04 – Norris Crossing Subdivision – The Council adopted Resolution 23-04 directing the Town Clerk to investigate the sufficiency of annexation petition A22-04 and setting the public hearing for March 21, 2023.

A copy of Resolution 23-04 is attached to these minutes.

PUBLIC HEARINGS

20. Norris Crossing Subdivision 22-MAS-01

MPT Berry asked Chris Hills, Development Services to explain the quasi-judicial process and how that applied to this item. Mr. Hills explained that the way the statute reads now, if the Council wants the authority to approve major subdivisions it has to be a quasi-judicial proceeding. It is different in that notice is given to the public, the findings are confirming that this project meets the UDO standards. We have worked with the Town Attorney, and the findings are that it meets the UDO. Council member McGrath said we used to talk about public detriment etc. so you're saying that the UDO now covers those issues. Chris Hills said yes, the discretion that you have is less than it used to be due to the new statute.

Cheryl Caines, Development Services, said this item was to consider a request for a Major Residential Subdivision Plan for +/- 74 acres on Avent Ferry Road known as Norris Crossing. She showed the location of the property and said that the Land Use and Character Plan designates it as Residential Neighborhood, and it is zoned SR Suburban Residential Conditional. She summarized the conditions that were attached to the property at rezoning which included minimum lot sizes, maximum number of units, open space commitments, architectural standards, and fee-in-lieu contribution to the traffic signal at Holly Meadow Drive and Avent Ferry Road. She said there would be 170 lots, 14 plus acres of tree preservation area and an active recreation area where the pond used to be.

Catherine Jacobs said that the subdivision would be served by sanitary sewer and potable water from Avent Ferry Road, connecting to existing gravity lines. The developer will widen Avent Ferry Road to half its ultimate cross section along the property frontage per the Comprehensive Transportation Plan. She said there would be a full median break at the entrance. She showed where internal streets and connection stubs would be located inside the subdivision. She explained that the Traffic Impact Analysis completed with the rezoning studied five intersections. She showed the location of the site access, and explained the \$490,000 fee-in-lieu for the traffic signal at Avent Ferry Road for the proportion of additional traffic created by the subdivision. This amount and the reimbursement for offsite extension of the sidepath along Avent Ferry Rd were agreed to with the

rezoning conditions. New agreements include an offset of Parks and Recreation fees-in-lieu for the construction of offsite greenway connections, and fee-in-lieu for a portion of the median within Avent Ferry Road of \$66,000.

MPT Berry asked John Schifano, Town Attorney, about the value of the offset. He asked Matt Beard, Parks and Recreation, to answer. Mr. Beard said the design has not been completed, but the distance is from 50-100 feet, so it should not be an extensive fee-in-lieu reduction. It will be in the amount of the actual cost. Mr. Beard, said that there would be a sidepath along Avent Ferry Road, and two onsite greenways, one through the center of the project, and one along the southern edge. He said this was the first time they have allowed co-locating a greenway in a tree preservation area and they are working on requirements for this to preserve specimen trees.

Council member McGrath asked what the total open space was and what does the UDO require. Ms. Caines said total open space required is 30% of the site; 20% in tree preservation 15% in active and 5% in flex. The applicant has 25% in tree preservation and the rest in recreation area. Council member McGrath asked if we permit non-usable open space. Ms. Caines said in residential, we do not specify usable or non-usable, except for the active space requirement.

Thomas Urquhart, Planning Board representative, said they asked about connectivity through the neighborhoods. They asked about the sidepath along Avent Ferry Rd. They asked about tree preservation and the 100-year flood plain. They were told that the lots will not be placed in the floodplain. He said they were concerned about the owner's land for the owner who is not part of the project. He said the Planning Board asked about schools becoming full and were told that staff was in close contact with Wake County Public Schools. They asked about a private gun range near the property and the applicant said he thought the gun range would be going away shortly.

He said that Planning Board recommended approval with a vote of 7 – 0 – 2. They followed their approval with a motion to raise concerns to Town Council regarding available crossing to allow residents to safely cross over from this project to the Holly Pointe subdivision. This motion passed 7 – 0 – 2.

Council discussed the crosswalk question, and what the NCDOT stance would be, whether crosswalks would increase safety and proposed speed limit changes in the area. They discussed creating greenway segments that are not connected to any other greenway. They discussed how connecting a greenway to a sidepath can create ways for pedestrians to access amenities. Council member McGrath asked about Avent Ferry Rd widening. Kendra Parrish, Executive Director of Utilities and Infrastructure said that on the NCDOT CIP it stops just past Holly Glen, so this area is not funded.

Mayor Mayefskie opened the public hearing and the following sworn testimony was received:

Jason Baron with Morningstar Law Group, representing the applicant, said Tucker McKenzie with Lennar was here and Jeff Roach with Peak Engineering was here. The traffic engineer is also present. He said that this hearing was to hear evidence according to the findings. Under NC law if you are zoned for a particular use, you have a constitutional right to use your property in that way. The nature of this hearing is evidentiary. He said the findings of fact are different from the previous UDO, but in this case the new Findings is that it does meet the requirements of the UDO. That is the question that is before you tonight. We believe the testimony will show you that that finding is satisfied. He said there are also conditions unique to this case that were agreed upon at the rezoning. Those are standards of the ordinance that was adopted. He handed the presentation over to Mr. Roach.

Mr. Roach, Peak Engineering, registered engineer in NC, gave his qualifications. He said the project is about 74 acres of land. He outlined the areas of the development and said they are continuing roads into the property for safety and access. He said the zoning conditions that staff outlined were included. He outlined the design of the park area in the northwest corner of the property and described the tree preservation area along the public greenway easement. He said they had acquired easements from the Mills at Avent Ferry to construct the connected greenway. He said they were working with staff to find the best route for the greenway. He said there would be extensions across the entrance for sidewalk connection. He said there would be medians in Avent

Ferry Road to the east and west of the project entrance. He said that NCDOT had requirements for tapers. They are also providing a left turn onto Diggery as well as into their site. He discussed connection to Longbottom Trail. He outlined project highlights including over 21 acres of Tree Preservation, Active Open Space or Flexible Space. He said his professional opinion is that they are following the ordinance and are in compliance with the UDO.

MPT Berry asked about the mailbox placement. Mr. Roach said that the location of the mail kiosk had not moved since the neighborhood meeting. He said that on the original sketch it was located by the intersection, but it was pinched there and they moved it to the north west corner to allow more room. He said this is a better, deeper location, for a nicer club house and a bigger pool. Stonemont has their kiosk close by on Fire Opal, so the mail carrier won't have to go back on Avent Ferry. He said there was a parking spot for the postal service to park and as they develop the club house there will be parking for residents.

MPT Berry asked the traffic engineer to render an opinion on how many extra trips on Fire Opal Lane would be produced by having the mailboxes there. Ronald Stephenson of Ramey Kemp asked MPT Berry to repeat the question. He said the purpose of interconnectivity is to allow traffic to go back and forth. There could be some traffic that comes, not necessarily for the kiosk. He said he didn't see it creating any traffic issues whatsoever. Will there be someone who cuts through Stonemont to get home? Perhaps, but not enough to create a traffic concern. Council member McGrath said he didn't think that people would enter through Avent Ferry, rather than cutting through Stonemont. Mr. Peterson said not everyone will go to the mail kiosk on their way home. Council member McGrath asked where was the kiosk was located at the initial TIA. Mr. Stephenson said the location of the kiosk was not considered as part of the traffic study. They are not usually considered. He said it was not enough of a game changer for traffic to create issues. It is not enough of a traffic pattern that you would do something different to accommodate it.

Mr. Johnson lives at 412 Fire Opal and his primary concern is the mail kiosk. Everyone in our neighborhood must come through our street to get their mail. Having a second one 200 yards away, it is just common sense that people will come that way. Secondly, our pool is at the end of Stonemont, and kids get in and throw things in the pool. We had an incident last year where a neighbor trying to keep them out had his house vandalized. Now a second pool there, places stress on the people on Fire Opal. Unless there is additional security that comes with that, it is a problem.

Michael Witt, said he is concerned about the safety on Fire Opal Lane with two mail kiosks that close. If you look at the Stonemont Kiosk, there is only one entrance, from Fire Opal. All Stonemont residents have to turn off Fire Opal and most are parking on Fire Opal. Lots of kids play in the kiosk area. He has learned to avoid the area. He said his suggestion to address this would be to move the amenity center back to its previous location around lots 18 and 19. People will go down Diggory Lane. Or don't open Fire Opal between the two subdivisions. He understands Holly Springs might want the road constructed for other reasons, but maybe we could put Jersey barriers to keep cars from driving between the subdivisions. Or a final idea, is changing the entrance to the amenity center and having people come in from Moonstone.

Sitaram Lingam said he has elderly parents who live with him and who are on walkers. He requested that the mailbox facility not be located with the Amenity Center on Fire Opal Lane, as this will increase the Norris Crossing traffic coming through Stonemont via Moonstone and Fire Opal to collect their mail each day. He said there are children and elderly residents on Fire Opal and this will prevent elderly people from walking. Something needs to be done to restrict the speed and provide a crossing. Or separate the two subdivisions with no through road on Fire Opal. He said if Council cares for the elderly they will do the right thing.

Juan Schaer said he has spoken about the public safety issues on Avent Ferry before, and the donut hole with the firing range is a bad idea. He played a clip from a past meeting of Council with MPT Berry opposed to the plan and Council member McGrath talking about the infrastructure

problems in the Town, and Council member Wolff talking about not wanting to create more donut holes.

Mr. Barron objected that this is an evidentiary hearing and this was hearsay. John Schifano said you cannot consider out of court statements. But he doesn't know that there was any evidence there. It was from the rezoning when you didn't have a site plan, and now you have a site plan. So he doesn't know what value that presented.

Marcelo Marlino, 300 Ocean Jasper Dr. He said he lives there and he does see lines of cars, and cars parked on the street to get the mail. He thinks not connecting the neighborhoods is a good idea. No one in Stonemont is against the development, it just needs to be done correctly. He said they hear gunshots from their backyard. He is not against guns, but he doesn't know where they are pointing and removing those trees will make the noise louder, and will create a problem for the people who will live there. Another concern is that Avent Ferry is one of the most dangerous roads in Holly Springs, adding more people will make that worse. How do we manage that? Those are his biggest concerns.

Rafael Renovato, 212 Ocean Jasper Dr., said his backyard faces this development. He is not against growing the city, but we have to do it responsibly. There are concerns about the donut hole, and infrastructure. He doesn't see schools and fire stations built fast enough to keep up with the homes being built here. If there is an accident on Avent Ferry you are stuck in traffic. There is a nuclear power plant – if there is a tragedy, then what? We need to widen Avent Ferry and 2030 is not soon enough. He is concerned about safety, and having enough infrastructure to grow responsibly.

Peter Filipov, 108 Smoky Emerald Way, said he lives in Stonemont. He wants to emphasize the infrastructure and how Avent Ferry will not be widened until 2029. There is no connection to Holly Pointe. He expressed concern about the shooting range. His third concern is about the mailbox. Everyone will use the shortcut. This is just the edge of the neighborhood being built and he doesn't see the traffic stopping.

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

Mayor Mayefskie asked John Schifano to clarify for the Council what is in front of them to make sure they move forward correctly. Mr. Schifano said with the new UDO these types of subdivision plans are Quasi-Judicial. Legislative decisions give you unfettered right to make whatever decision you like. Administrative give you almost no discretionary authority. Quasi-Judicial requires you to apply facts to criteria and make a judgment on whether the facts meet the criteria. There are building setbacks, road requirements, land uses; it's complex. You have gotten to this point because staff has decided that it meets the ordinance. In order to deny, competent, substantial, and material evidence that gives you some reason to deny must be presented. The applicant has made a *prima facie* argument. If you have heard evidence that negates any of the findings, you could vote to deny it. But only if you have received competent material evidence. Over-crowding and congestion in the streets might be something you have heard. That is a problem, and your UDO says you are to avoid that. The Ordinance says you have to make neighborhoods that are safe. You have heard professional engineers say it is safe. But that is something for you to determine with competent, substantial evidence.

Council member McGrath asked staff to explain the required setbacks from Section 2 of the UDO from the donut hole. Cheryl Caines said setbacks are checked at the time of building permit. But the front will be 20 ft; 20 ft from a side on a corner lot; 10 ft side lot; rear is 20 ft.

Council member McGrath said that UDO 7.1(b)(2) talks about safety and UDO 7.3 talks about connectivity. There is a requirement for the connectivity, so we can't provide the blocking between neighborhoods. He asked if the TIA was either agnostic to where this amenity would be placed, or was accounting for this location. Elizabeth Goodson, Development Services, said the TIA's are done at rezoning, and the site plan is not known at that point. The Transportation

Engineer does it from a broader perspective of where traffic is going to be. Perhaps this is something that we need to address. There are some relevant questions and comments at this point. The connection points are known and the connection is known, but the TIA did not know the location of amenities. Ms. Goodson said that is a question for the applicant to drill into the details of the TIA.

Council member Forrest said he spoke with the owner of the donut hole. The gun range will have to be shut down once Norris Crossing goes in because of Wake county ordinances. So residents do not need to be concerned about that.

Council member McGrath read from UDO 11.22.A.2. regarding quasi-judicial decisions. He asked Mr. Schifano to say what the discretionary decision was that Council was being asked to make. Mr. Schifano said they were being asked to decide if this would create too much traffic. Council member McGrath asked what the findings of fact were that were helping Council make this decision. Mr. Schifano said if we were to parse out all the Findings of Fact that you have to make on this, it would be 8 pages long. What discretion do you have? Not to change a set back from 20 ft to 19 ft. The biggest discretion may be the placement of the mail kiosk. If you think it would create too much traffic you could ask them to come back with a better plan. Chris Hills said it could be in reason for Council to ask the applicant to make changes to the plan and they could voluntarily consent to those changes.

MPT Berry said he thinks there is competent evidence that the kiosk location would be detrimental and would support tabling this item and asking the applicant to come back. Council member Wolff asked if he meant just the kiosk or the amenity center. MPT Berry said he thought they were one and the same thing.

Council member Forrest asked about where the kiosk was when the TIA was done. Elizabeth Goodson said at the time of TIA there was no kiosk location. She said the original area was close to the thoroughfare, and there are regulations that prohibit that.

Council member Wolff said we have heard that there are problems with the kiosk, and from a traffic engineer that it is not problematic. He thinks it might be a Stonemont issue. The problems with their pool and kiosk need to be addressed by the Stonemont HOA. His question to Mr. Barron was if it would be possible to add a second kiosk to decrease the traffic. Mr. Barron said they were ok with moving the kiosk to a location west of the primary entrance to create an incentive for residents to use the main entrance. Mr. Roach said that he thought they could make that work from an engineering standpoint to move the mail kiosk to the west of the main entrance and still have adequate parking.

Council member McGrath said he wished to state for the record, that, had he been in the Chamber and able to vote last year he would not have approved the rezoning due to the unfunded taxpayer mandate for infrastructure. This is not unique to this development; but to all new developments. He said that concerns about schools should be addressed to the School Board or the Wake County Commissioners. This board does not have that jurisdiction.

Action1: Motion to make and accept the findings of fact with the additional findings of fact that the current proposed kiosk location creates a problem with the UDO and the applicant has agreed to move it to a location west of the main entrance, in a way that can be administratively approved by staff and approve Major Subdivision 22-MAS-01 for Norris Crossing Subdivision, with the conditions listed in the staff report.

Motion by: Wolff

Second by: Forrest

Vote: unanimous

Action: Motion to approve Development Agreement with Lennar Carolinas, LLC for Norris Crossing.

Motion by: Wolff

Second by: Berry

Vote: unanimous

21. Voluntary Annexation for 4200 Beech Creek Court

Aaron Prichard, Development Services, said this item was to consider annexation of 0.72 +/- acres at 4200 Beech Creek Court. He showed the location of the property at the corner of Optimist Farm Road and Beech Creek Court. He said annexation was requested in order to connect to Town water. The property cannot be served by existing gravity sewer facilities, and the property owner has certified that they are not requesting to connect to the sewer system.

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

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

Action: Motion to adopt Annexation Ordinance A22-05.

Motion by: McGrath

Second by: Forrest

Vote: unanimous

13. Ordinance Amendments for Electric Vehicle Parking Stations and Park Operations – The Council pulled this from Consent Agenda. Council member McGrath said he wanted to discuss this because we had discussed in the past, if we added a bank of charging station that it be treated like a gas station. Those banks are typically placed away from other infrastructure, pathways, etc. The placement of these is problematic to him. Having them close to the primary access to Ting and the primary walking path at Womble concerns him. When we look at banks of chargers we need to look at their location. He would like to move them. Council member Forrest said he agrees that there could be a risk. We need them but he would like them to be located elsewhere. We offset substations for a reason. We should take further steps to see how far away these should be put from other locations. It's so new. We don't know what the problems are. What is an alternate location we could put these?

Council member Wolff asked what the safety danger was. Council member McGrath said when you put them all in one place it's an easier target for a bad actor. One is not a problem. But multiples are a problem. If we're going to be leading the charge, we need to do some due diligence.

Council member Forrest asked the Fire Chief if there were any locations in town with multiple charging banks. Chief Smith said no. Council member Wolff said that electric charging is inherently different from filling with gas because it takes longer. You won't fill a car with gas during your kid's soccer game, but you will charge your car. He doesn't think the risk outweighs the convenience. Council member McGrath said he was not saying to put them in the "back 40", just not right by the main pathway. Keep them in the parking lot, just not by the pathway. MPT Berry asked for staff rationale for locations. LeeAnn Plummer, Director of Parks and Recreation, said they have been working with Greg Sponseller, the Sustainability Coordinator. These were provided by the Duke Plug and Play grant. In order to meet the ADA regulations and to have access to the power needed, many locations were looked at, and staff landed in those locations to meet our park concerns, the ADA concerns, and the electrical requirements. It will go through code review to make sure no sidewalk incursion is caused and for safety. Council member McGrath said he would like them along the 2nd or 3rd row. We can provide one or two for ADA compliance, but put the others somewhere else. Ms. Plummer said staff could revisit the locations and work with the Duke team and bring it back to Council.

MPT Berry said it is great to get them as cheaply as we could. But he supports moving them to different locations. He asked staff to take it back to Duke for a different location.

Council member Wolff said he was happy to delay this as long as it doesn't endanger the grant funds.

Randy Harrington, Town Manager, said staff could bring this back to a future workshop with more information.

OTHER BUSINESS

Council member Wolff said he wanted to address Ms. Bare and her water issues. She is not a resident of the town. She said she paid taxes, but not to Holly Springs. For her to receive water from the town it would require annexation, correct? Mr. Schifano said yes, it's a petition for annexation. We have the forms. He said he had not had any conversations with these landowners, but it is his understanding that they did not want to be annexed, but wanted town water. Because that particular area, it is a large water main, not a water distribution line, it would not be cheap to make taps for that property. If an annexation petition were presented to you, you could discuss the cost of providing utilities. Council member Wolff said this is not a subdivision, it is individual houses. Mr. Schifano said that is correct, and it would be individual decisions to be annexed. Randy Harrington, Town Manager, said an estimate was made and it would be about \$1 million to run that line. Council member Wolff asked, if she were to petition for annexation, would half of that cost be her responsibility. Mr. Schifano said that Town ordinance requires connection to water to be annexed. So it would be 100% of the cost that was the land owner's responsibility. At that point, if a petition were made, you could either accept it, split the costs, or draft a developer's agreement type document to apportion the costs. Council member Wolff asked Mr. Schifano to reach out to her with this information. Council member McGrath asked that Council be shown the letter that was sent out 20 years ago. Mr. Schifano said that more than likely they were permission to survey letters. It would have said we want to do some studies, not we're about to give you water. Council member Forrest asked about the line and if it would be cheaper to split off and run back to Ms. Bare's property. Kendra Parrish, Executive Director of Utilities and Infrastructure, said it was a 24" line that would stop just past Amgen. It is not branching off. The rationale is that it is a high pressure water line. Adding individual taps presents pressure issues and safety issues for leaking. Early in the design process we looked at a parallel 6" line that could accommodate taps. That is what was estimated at \$1 million. In the past annexations we build the water line, but from the meter to the house the cost is the homeowners. We could entertain that annexation, but there is a cost to that to provide water. Mr. Harrington said that there are a number of property owners out there. It is economically difficult to spend that much for one, but if enough property owners were interested it might be feasible. Council member Wolff asked about county programs for houses that have dry wells. He said the situation is untenable, but we are not the ones to solve it. Council member Forrest said this is a symptom of a larger problem. The aquifer under the ETJ is not sustainable and we will eventually have to address how to bring water to the ETJ as the aquifer starts to dry.

Council member McGrath thanked staff for the retreat. He asked if there would be an update on the 911 calls from last week. Mr. Harrington said some more information could be sent to Council in the morning. Council member McGrath said since this body sanctioned the landfill working group, the Wake County Commissioners are no longer attending those meetings, but he would like to hold off from attending until we have some empirical data on the eNoses; a quarter or two of data would make him comfortable stepping back. But until then he's not ready to step away. Council member Wolff said he was happy to just receive staff reports after the meetings, but does not want to tell Council member McGrath to stop going. Mr. Harrington said his understanding from Wake County is that elected officials from Wake County don't plan to attend. His recommendation is that at a minimum the staff meet. He is happy if Council wants to continue. He recognized the work of the council and the success they have had. Things are moving in a positive direction. Council member Wolff asked who from staff is taking over from John Mullis. Mr. Harrington said Freddie Rodriguez would step in to that role.

MPT Berry said that since they were discussing committees, did we replace Council member Bennett's positions with Ms. Hewetson? He would like to offer the liaison on Parks and Recreation Advisory Committee to Mr. Forrest and ask Ms. Hewetson to be alternate. Mayor Mayefskie said that it had been his decision to give CM Hewetson Ms. Bennett's committee positions. Council member Forrest said that based on the timelines it would be easier if he was lead

and Council member Hewetson was the alternate. Council member Wolff said he thought it was important for Council member Hewetson to have a full council experience and be a lead. He offered the Tree Advisory Committee liaison position to her and he would be the alternate. Council member Hewetson said she would be interested in that. Council member Forrest asked if she wanted to be on the Village District committee also and she said yes.

MANAGER'S REPORT

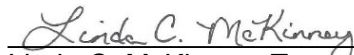
Randy Harrington, Town Manager, said there are many stakeholders who helped build this town. Council, development groups, and he wanted to inform them of the passing of Tom Spaulding. We sent our condolences to the family. The second item is around the MLK events at the Cultural Center this weekend.

A few other exciting events: Purdue Baseball this Friday at 6pm. Free Admission. They will play Akron on March 3rd. VDAP community meeting Monday March 20th 5:30 – 7 pm. He mentioned the guided hike at Mims Park, the Board of Adjustment and Planning Board training session and reception in March. Finally, as a point of personal privilege he congratulated Holly Springs High School Basketball team won their championship game 78-49, and they will play again at the High School.

CLOSED SESSION: none.

Adjournment: MPT Berry made a motion to adjourn at 9:59 pm. It was seconded by Council member Forrest and passed with a unanimous vote.

Respectfully Submitted on Tuesday, March 21, 2023.



Linda C. McKinney, Town Clerk

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