MINUTES

The Holly Springs Town Council met in regular session on Tuesday, March 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;* Sean Ryan, *Development Services;* Catherine Jacobs, *Development Services*; Matt Beard, *Parks and Recreation*; Cassie Hack, *Director, Communications & Marketing*; Jay Osborne, *Administration*; Irena Krstanovic, *Director, Economic Development*; Kathy White, *Deputy Clerk*.

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

4. Agenda Adjustment: The March 21, 2023 meeting agenda was adopted with changes, if any, as listed: pull item 14 from Consent.

Motion: Berry
Second: Forrest
Vote: Unanimous

RECOGNITIONS

5. Holly Springs High School Varsity Basketball Teams

Mayor Mayefskie recognized Coach Zaneta Hill and the Holly Springs High School Girls Varsity Basketball Team for reaching the Sweet Sixteen level of the state championship, and Coach LJ Hepp (unable to be present) and Assistant Coach Garrett Phillips and the Holly Springs High School boys varsity basketball team for reaching the Final Four.

6. Girl Scout Week Proclamation

Mayor Mayefskie recognized 111 years of Girl Scouting in the United States and proclaimed March 12 – 18 Girl Scout Week in Holly Springs. He presented the Proclamation to Shannon Quick, Pine Cone Council of the Girl Scouts of America, and recognized the Girl Scouts in the audience.

7. Oaths of Office, Planning Board and Board of Adjustment

Linda McKinney, Town Clerk, issued the oath of office to Planning Board members Chris Deshazor, Van Crandall, and Roger Bess, and to Board of Adjustment member Ben Copeland.

8. Mayor's Monarch Pledge Proclamation

Mayor Mayefskie issued a proclamation protecting Monarch Butterflies, and presented the proclamation to Katie Thompson and her students from Pine Springs Preparatory Academy. Ms. Thompson spoke about her students' efforts to preserve the butterfly.

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:
Peter Filipov said was here to speak about the infrastructure on the west side of town. New communities are being developed and there are concerns about whether Avent Ferry Rd. can handle the traffic. He said that he is aware that NCDOT is responsible for the road, but that if different counties cooperate, those types of projects can be prioritized and sped up. He has heard it will take 5-7 years. He would like to ask how the infrastructure can keep up with the development.

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 Council member Forrest and a unanimous vote. The following actions were affected:

9. <u>Minutes</u> – Council approved the minutes of the Mayor and Council Retreat and the February 21, 2023 business meeting.

10. <u>Resolution Supporting Supplemental Agreement for Additional Funds from Additional Settlements of Opioid Litigation</u> – Council adopted Resolution 23-05 authorizing execution of Opioid Settlements and Approving the Supplemental Agreement for Additional Funds (SAAF) between the state of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation.
A copy of Resolution 23-05 is attached to these minutes.

11. <u>Quarterly Budget Amendments</u> – The Council approved four budget amendments and adopted capital project ordinances 23-09, 23-10, and 23-11.
Copies of Ordinances 23-09, 23-10, and 23-11 are attached to these minutes.

12. <u>Bridgewater Boardwalk Replacement</u> – The Council approved the Bridgewater Boardwalk Replacement Contract with Span Builders LLC in the amount of $169,540 (plus contingency) for a project total of $178,200.

13. <u>Turf Replacement Project at Womble Fields</u> – The Council established a project budget of $1,400,000 for the replacement of the synthetic turf field at Womble Park and authorized the Town Manager to negotiate, sign, and execute a contract for the replacement in an amount not to exceed the project budget.

<u>PUBLIC HEARINGS</u>

15. 120 N. Main Street Development Plan and Development Agreement

Cheryl Caines, Development Services, said this item was a quasi-judicial hearing to consider a request for a Development Plan at Main Street and Earp. She reminded the public of the basics of a quasi-judicial hearing. She said the parcel was designated Downtown Village District on the Land Use and Character Plan and was zoned DMX Downtown Mixed Use. She said the Development Plan called for four-story mixed use with 42 apartments on the upper floors, outdoor spaces, and a focal point on the corner, which would include some sort of plaza or open space. The applicant has proposed a plaza but without all the amenities, so they would need to come back for a second hearing to get final approval for the design of the public open space.

Catherine Jacobs, Development Services, said the project would connect to existing water and sewer connections on North Main Street. Main Street and Earp would be widened across the property frontage according to the Comprehensive Transportation Plan, with connections onto Earp and Main. The Traffic Impact Analysis studied four intersections and the two proposed site access points. The developer agrees to pay a proportionate fee-in-lieu for future right-turn lane at N. Main Street and Holly Springs Road of $15,000. They will provide right-of-way dedication for future improvements at Earp and Main; the access will be restricted movement of right in right out, with a left in. Main St will be restriped to accommodate that. Full movement will be at the Earp St entrance. This intersection was a location of the safety study, so with this development they will complete the near-term improvements at this location, which will include installing intersection head signs, enhancing the stop sign and implementing additional pavement markings. They The developer has been working with the Town on a Developer Agreement and have agreed to the $15,000 fee-in-lieu.

Matt Beard, Parks and Recreation, said that the project will construct sidepaths along the property frontage on both Earp and N. Main. On Earp it will be 10 feet wide with brick banding and on N Main it will be 15 feet with decorative brick.

Van Crandall, Planning Board Representative, said that there were questions about parking, road widening, the dog park, sidewalks, and how the refuse from the dog park would be handled. Questions were asked about unit costs and whether units would be sold or rented. He said that the Planning Board recommended approval with a vote of 7-1 with one absent. The one voting against said the timing of road improvements was not catching up with traffic, with multiple projects in the same area compounding the impacts.

MPT Berry asked about the roundabout in the packet. Ms. Jacobs said the roundabout is the long-term plan in the CTP, but right now the developer is only required to do the near-term improvements. Future projects that meet the trigger may require the roundabout. Elizabeth Goodson, Development Services, said that this project came in before the CTP was adopted, so this project would not be required to make those improvements. Council member McGrath asked about the right-of-way dedication for the roundabout. Ms. Jacobs said they were dedicating the right of way now.

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

Joshua Lepisto, 107 Collins Street, said he had two concerns about this building. He is concerned about the height of the building adjacent to Main Street. He understands that it is allowed to be 60 feet, but that makes a cavernous feeling, and sets the precedent for others to build that high. He said that Chapel Hill is an example of how building up changes the feel of a town. The VDAP says 2-3 stories with a 50 ft max, so this is higher. The North side of Main St. is an elevation grade change which will make it seem even higher. The second issue he wanted to bring up is the intersection of Earp and Main, which is a dangerous intersection. He said he would like that intersection to be right only, or construct the roundabout at the same time as this project. He said a four-story building will further reduce the sight lines.

Joni Barnes, with Earp Street Properties, LLC, described the Downtown Village District (DVD) and the businesses and facilities that are currently here. She described this project as a mixed-use project with 42 residential units on floors 2-4 of a four-story building, with 42 covered parking spots, one for each unit. There would be approximately 13,218 square feet of retail space on the first floor, facing Main Street with 109 parking spots (total) including 6 handicapped spaces and 5 EV spaces. The open area would include a small dog park and a seating area for residents.

Ms. Barnes showed the site plan and pointed out outdoor seating and landscaping along Earp St. She showed architectural renderings of the proposed four-story building. She said that the development team has worked with the Village District Stakeholders Community Workshop for the

Downtown Village District Area Plan to understand what the community needs in a downtown district.

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

Council member McGrath asked how this parcel came to be zoned DMX. Ms. Caines said the site is part of the Village District Area Plan and has been part of the Village District for several years. It is part of the Main Street Core and everything in the Village District has a DMX zoning or is designated DMX on the Future Land Use Plan.

John Schifano, Town Attorney, explained that during the adoption of the UDO it went from Village Core to DMX. Council member McGrath said he believed that this property was previously R15 in 1998, then it went to VD and a project came for zoning. That project didn't happen. This parcel just fell into the UDO rewrite changes, and that is how the height restriction went from 50 to 60 feet. Is that accurate? Mr. Schifano said he was not sure what the height limitation was at that time. Council member McGrath said the CTP identified this area as a hot spot for safety and he has witnessed two accidents and multiple near accidents. He said the safety concern was the reason for the roundabout being implemented in the CTP. We are overlooking a significant safety concern. MPT Berry asked what was the proportionate share used to derive the fee-in-lieu for the turn lane? The applicant said it was 1%.

Ms. Caines said that the Findings of Fact that Council was considering was that the proposed mixed-use development meets the applicable Unified Development Ordinance standards for a Development Plan in the DMX Downtown Mixed Use District related to street improvements per the traffic study; public shared path improvements; public utilities to serve the future building; bike and electric vehicle parking; common open spaces and landscaping; and building design.

MPT Berry said some of the evidence presented pointed to incompatibilities between land uses. He said he thought the four-story building would be injurious to some of the surrounding properties. Council member Wolff said he doesn't know if they can argue that as a fact, if the applicant is meeting standards set by us. As for the intersection, there are definitely improvements needed now, and with the completion of this project. But as far as he can tell the applicant is providing them voluntarily. He doesn't know if we can find that the applicant is not meeting our demands for public safety at that intersection.

Action 1: Motion to make and accept the findings of fact for consideration of and to approve the Development Plan for 120 N Main Street with the conditions stated in the agenda packet.

Motion by: Wolff
Second by: Forrest
Vote:
Aye: Wolff, Forrest, Hewetson
Nay: McGrath and Berry
The motion passed.

Action 2: Motion to approve Development Agreement for 120 N Main Street.

Motion by: Wolff
Second by: Forrest
Vote:
Aye: Wolff, Forrest, Hewetson
Nay: McGrath and Berry
The motion passed.

16. Main Street Vista Conditional Zoning District and Development Agreement

Cheryl Caines, Development Services, said this was a request to change the zoning of the parcel from NMX Neighborhood Mixed Use to DMX Downtown Mixed Use Conditional Zoning District. She showed the location of the property, and said that it was designated as Downtown Village District on the Land Use and Character Plan and currently zoned NMX Neighborhood Mixed Use. She explained that Conditional District Rezoning allowed flexibility in order to develop unique and creative design, was not intended to relieve hardship, and was tied to a conceptual Master Plan. She outlined the Conditional District Design Goals and some of the flexibility that the developer was seeking for this development. She said they were requesting a minimum building height of 25 feet/3 stories and a maximum of 60 feet/5 stories. She said they were requesting different buffer types to better screen the development from the Windward Subdivision, and she outlined the uses of the 5 PODs from Commercial Mixed Use for PODS 1 & 5, Residential Mixed Use for PODs 2 & 3, to Multi-family for POD 4. Ms. Caines outlined the proposed standards for building length, horizontal variations and façade materials that were being requested.

Catherine Jacobs said the site would be served by sewer and water connections on Main and Holly Springs Road, creating a looped connection. The developer would take the existing Omni Pump Station offline, and reroute the existing wastewater flow through gravity lines that will be served by the Twelve Oaks Pump Station, and upgrading the pipes on N Main Street. She said the transportation improvements would include widening the portions of N Main St. and Holly Springs Road that are along the property frontage to half the ultimate cross section, constructing interior roads and establishing connection points to neighboring parcels. The Traffic Impact Analysis studied two intersections on N. Main Street and the two access points to the site from N Main Street and Holly Springs Road. The N. Main Street access will be restricted movement. They will construct a right turn lane into the site, and construct a planting strip and sidewalk. On Holly Springs Rd. they will construct a right turn lane westbound. They will also provide the planting strip and sidewalk here, and retime the traffic signal.

Ms. Jacobs said the development agreement is still under negotiation, but included fee reimbursement for sewer infrastructure improvements including taking the Omni Pump Station offline and rerouting wastewater as described above and upgrading existing gravity sewer lines on N Main Street and a Parks and Recreation fee-in-lieu adjustment.

Matt Beard, Parks and Recreation, said the developer would construct 10-foot wide sidepaths along both frontages of the property, The sidewalk will connect to a sidewalk that goes to Holly Springs Elementary. They looked at off-site improvements, but that the gap on N. Main was longer than the UDO allowed for us to require they bridge that gap (300 feet.) Since this location does not have park land to dedicate, they will pay a fee-in-lieu at time of building permit submittal.

Van Crandall, Planning Board Representative, said that the Planning Board voted to recommend approval with a vote of 5 – 3. Those voting against the recommendation did so due to the timing of road improvements and public infrastructure funding not being aligned with development approvals, and concerns about traffic movements and safety at the Third Street intersection. He listed the many questions Planning Board asked staff and the applicant.

MPT Berry asked which three members voted against approval. Mr. Crandall said they were Rick Madoni, Chris Deshazor, and Van Crandall.

Mayor Mayefskie opened the public hearing and the following input was received:

Jason Barron speaking for the applicant, said this was the right use and the right time, in the right location. He said they were still working on the terms of the Development agreement, but were not asking for a vote tonight. He asked that Council close the public hearing, but defer the decision. He said this project was consistent with the Comprehensive Plan, walkable to Downtown, it includes significant infrastructure improvements and would build on the success of the Town's investment in downtown with a dynamic project design.

Laura Holleman, McAdams, described the site plan, describing the PODs and open space. She said the area would have 286 residential units, a minimum of 10,000 square feet and maximum of 25,000 square feet of non-residential space. The non-residential area shall include office, retail, and commercial uses. She discussed the buffer types and conservation area. She described the layout and how it required the conditional zoning.

She described the façade standards, including a maximum of 3 brick colors, no large expanse of blank walls, and human scale design elements. She described the elements planned for the public spaces and showed the proposed layout and architects renderings. She said increasing the sidewalk from 5 feet to 10 feet enhances the street scape. She said this project would be built at human scale and pedestrian feeling.

Garrett Railsback, 400 Trinidad Court, said he was concerned that this development would turn his backyard into marsh because of water runoff. He also said he did not like the increased traffic it would bring. At 5:00 he cannot make a left turn out of his neighborhood onto Holly Springs Rd. This project will add 286 residents and their cars. He thinks the traffic improvements should be long-term, not short-term. He spoke about concerns with children walking to school and their safety.

Tim Farless, 153 Holly Springs Rd., said his property was right next to this project. He is not opposed to the project, but he has concerns. He said that there is a slope on the back of his property that he doesn't want turned into swamp land from runoff. He said that when he bought the property he had an additional 28 feet into this property. The previous owner took back 28-feet in order to build a road, so now the corner of his building is 14 feet from the property line. A 5-foot buffer would put a building up 20 feet from his building. He asked Ms. Holleman how close building 6 was from his building. Ms. Holleman said answered him, but was inaudible. He said his last point was that the landscaping on the front of his property, that he would like to keep in place as part of the overall buffer.

Steve Harrison, 121 Raleigh St., said he moved here last year and chose Holly Springs for several reasons, one of which is the charm. He thinks the zeal for growth needs to be tempered by zeal for keeping the town the way it is. He has concerns about the number of units and the height and the traffic with this development. He said it is challenging to cross the roads on foot, or in a car, in this area. This project will add so much more traffic. He said the infrastructure is problematic. The economic value is probably great, but it doesn't improve the traffic. The long-term planning being delayed will put a greater strain on this community. This needs to be taken into account. The project shouldn't be stopped and he appreciates the developers' concerns for the neighbors, but additional thought needs to be given to the traffic. Adding a right turn lane for 100 feet will not make enough of a difference in the traffic.

Larry O'Neal, 412 Trinidad Court, said he moved here 25 years ago to Windward Point. Holly Springs has grown like crazy since then. There has been tremendous growth in the last 25 years. He has concerns about the building height, especially where it is next to small two story houses. Incorporation of existing natural features is part of the UDO, so this should not have plans to remove all of the 60-foot pine trees and replace them with screening that is only 6-feet high. We are concerned about apartment buildings looking down into back yards. Automobile lights will shine right into back yards as will the lights in the building. He said he was asking the developer to leave the existing trees along with the Type C buffer. He said he was also concerned about the security of the 30-foot buffer that opens right into someone's backyard. He asked the developer to consider a six-foot metal fence. That would really be an asset to alleviate security concerns. But he said the elephant in the room is traffic.

There being no further input, Mayor Mayefskie asked for a motion to continue the public hearing to the next meeting.

Action: Motion to table the action to April 18th to make time to evaluate the infrastructure requirements and improvements associated with the project.

Motion by: Berry
Second by: McGrath
Vote: unanimous

17. Duke Energy Operations & Training Center Conditional Zoning District

Cheryl Caines, Development Services, said this item was to consider a request for rezoning from RR Rural Residential to HI Heavy Industrial Conditional District for property for the Duke Energy Operations & Training Center. She showed where the parcel was and said it was designated Innovation Village on the Land Use and Character Plan and currently zoned RR Rural Residential. The area is surrounded by unincorporated land owned by Duke Energy. She explained the reasons for using Conditional District Zoning, and the design goals associated with that. She outlined the proposed standards for the property, including a larger, more opaque buffer adjacent to the thoroughfare, and decreased perimeter buffers and building height.

Catherine Jacobs, Development Services, said that the site could be served by potable water, reclaimed water, and sewer. She said the water would be extended down Cinder Station Road and the sewer would connect to an existing sewer location at Carolina Springs. She said the traffic improvements would include widening across the frontage on Woods Creek Road, and removing part of Woodfield Deadend Road. The Traffic Impact Analysis studied the intersection of Woods Creek Road and Old Holly Springs Apex Road and the site entrance off Woods Creek Road. The development is required to address the identified improvements, including a turn lane into Cinder Station Road, and from Cinder Station Road onto Woods Creek Road.

Ms. Jacobs said that the Development Agreement included a cost share of infrastructure related to the development of Fire Station #3 and the Duke Energy Operations & Training Center, and the reduction of the limits of the Comprehensive Transportation Plan roadway extension.

Matt Beard, Parks and Recreation, said that a ten-foot sidepath would be constructed across the property frontage on Woods Creek Road, connecting to the Oak Leaf Greenway. There is a future Town park across Woods Creek Road that there will be a pedestrian crossing to. This provides connectivity to and from schools as well as within our parks and greenways.

Council member McGrath asked how far it was from the property line to the new elementary school. Mr. Beard said it was more than the 300 feet that would require a connection. He said he was hopeful as part of the 2nd phase, the building of the middle school, they would be able to partner with the schools for a sidewalk connection across the property. He said the Town already has the dedicated right of way. Council member McGrath asked if Duke Energy could be part of that partnership.

Van Crandall, Planning Board Representative, said the Planning Board voted to recommend approval with a vote of 7-1. The one vote against was due to inadequate information. He said Planning Board asked about the type of training offered at the facility, if the fire chief was OK with this location, the reason for the change in Fire Station 3 site.

Mayor Mayefskie opened the public hearing and the following input was received:

Laura Holleman, McAdams, said she spoke on behalf of Duke Energy Carolinas. She said the training would provide service maintenance in the southwest part of the county. There would be up to 100 employees on site, including planners, engineers, leadership, and associated employees. Training would be on distribution repairs, service repairs, and safety training. Heavy Industrial zoning sounds unusual for this, but there wasn't a better choice in the UDO because any kind of utility is automatically HI. She said Duke would build Cinder Station Road. There would be active open space with a walking trail for Duke employees. Street trees along Cinder Station and Woods Creek roads would be 40 feet on center. They will provide 10% tree preservation, even though it is not required for this project. She explained the decreased buffers because the parcel is surrounded by land owned by Duke and it would be a buffer against themselves. She discussed the design requirements and that the fire station would not be held to them, but could opt into them.

MPT Berry asked about the buffering against its own property. He said if Duke sells the property around it, the buffer would not be sufficient. He asked why that wasn't considered. Ms. Holleman said she understands the concern, but the thought was that this doesn't set up well for residential development and Duke isn't planning to sell for residential, so they didn't consider that amount of buffer. Further, they are not a heavy industrial user. If it were a typical office they would have a 10-foot buffer instead of the 20 they are requesting.

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

MPT Berry asked about the basis for the percentages in the different sections of the Developer Agreement. John Schifano said they worked at getting the road at 30% due to the linear footage. Duke wanted a 50% cost share because there are two uses, but we typically do a percentage of linear footage. We agreed to 50% on some of the less-meaty things, like the re-use line, and we want to encourage that. It was a back and forth negotiation.

Action: Motion to adopt Rezoning Ordinance RZ23-02 and approve rezoning of 95.59 acres for Duke Energy Operations & Training Center Conditional Zoning District.

Motion by: Wolff
Second by: McGrath
Vote: unanimous

Action: Motion to adopt Development Agreement for Duke Energy Operations and Training Center.
Motion by: Wolff
Second by: McGrath
Vote: Unanimous

18. Semi-Annual UDO Text Amendments

Sean Ryan, Development Services, said this item was to consider amendments to the Unified Development Ordinance (UDO). This is part of the normal twice a year amendments. There are 51 proposed amendments, 3 of them are minor changes involving building height in IVMX District; fence height in Employment/Campus Use Districts; and Foundation Landscaping calculations. There is one major change regarding the Utility Allocation which will become effective with the policy adoption. The rest are technical, clean-up amendments.

Van Crandall, Planning Board Representative, said that the Planning Board recommended approval with a vote of 8-0.

Mayor Mayefskie opened the public hearing and the following input was received:

Mr. Barron said he wanted to address the text change on the NMX district. He said that if this text change is adopted tonight it will kill one of his client's plan's. This client will be submitting in the next few weeks and he asked that the effective date of that part be delayed to May 1st.

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

MPT Berry said we discussed the NMX change and said he would support a May 1st effective date for that portion. Secondly, he expressed frustration with the UDO and Comprehensive Plan contradicting each other. He suggested putting money in the budget to hire a consultant to clean it up. Council member Forrest said he agreed that he would like to have another consultant to come in, and agreed to delay effective date to May 1st.

Council member Wolff asked if the number of amendments done since the rewrite is typical for a completely rewritten UDO, or extraordinary. Chris Hills, Director of Development Services, said it was not extraordinary. He said the UDO is a living document. Being the newest document, if things are out of alignment that is why. Staff seeks to bring other plans into alignment with it. The feedback is well taken and staff will dig into it quickly. Council member Wolff compared this to moving into a new-built house, where you have to find the problems and fix them. He feels good knowing that staff is reviewing the document and bringing issues to Council quickly. Randy Harrington, Town Manager, said he understands the feedback and wants it to be a document that works for Council. He said that early on staff was clear that with the UDO there would be some overlap between groups that applied under the old version and the new version, which could create confusion. Staff was upfront that they would have to come back to Council with updates and changes as we lived with the document, so we are doing what we said we would do.

Council member McGrath said the challenge is that some of these errors are creating more unfunded taxpayer liability. Mayor Mayefskie asked if there would be more rounds of amendments, and whether staff was actively looking for them, or just bringing them as they come across them. Mr. Ryan said that staff is actively looking for contradictions or interpretation issues. With the old UDO that was alive for 20 years, there were 22 supplements, each of which contained two or three rounds of text amendments. Ordinances change as council's priorities change, as new plans are adopted, but also through technical areas where one place is changed and it affects other places that might get missed. Staff's goal is to make sure the Ordinance reflects the policy goals of the Town Council. That is why we bring those changes to Council at least twice a year.

Council member Wolff said that he agreed with delaying implementation of the NMX correction until May 1st. Mr. Ryan said that would be Part 3 of the Ordinance.

Action: Motion to adopt Ordinance 23-08 to adopt the statement of compatibility and approve UDO Text Amendments, with Part 3 effective May 1st.

Motion by: Forrest
Second by: Berry
Vote: unanimous

19. Voluntary Annexation for Norris Crossing

Sean Ryan, Development Services, said this item was to consider annexation of +/- 65.18 acres along Avent Ferry Road for the Norris Crossing subdivision. He showed the location of the property on a map. He said the property owner is Lennar Carolinas LLC, and said the annexation meets all statutory requirements.

Council member McGrath asked if there had been any follow-on conversations regarding Stonemont about connectivity points. Mr. Ryan said they spoke to the applicant and they are committed to working with staff to enhance the traffic calming measures between the two subdivisions to provide additional traffic safety along that connection.

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 A22-04 to approve annexation of the property included in the application.

Motion by: McGrath
Second by: Forrest
Vote: unanimous

<u>NEW BUSINESS</u>

This item was pulled from Consent for discussion.

14. <u>Ordinance Amendments for Electric Vehicle Parking Stations & Park Operations</u> –

Council member McGrath said he wanted this pulled from Consent. He asked John Schifano, Town Attorney, if for Section 10.2 Paragraph 7. Did we intend to say "parking overnight" or just "during nighttime hours." Mr. Schifano said that is how it is written. Council member McGrath asked if that means that when the charging stops, the car has to be moved. Mr. Schifano said that is technically correct, but there is a proof problem. The intent is to make it clear to an officer that the vehicle must be plugged in, whether the battery is draining or not. Council member McGrath said this is a fairness issue. If someone wants to charge their car at 4 am and someone else has left their car there overnight, it's not fair. Mr. Schifano asked if he wanted to reword it to say "while actively charging." Council member McGrath said he would change it to "during non-daylight hours" or something like that. Mr. Schifano said that if Council is in agreement with that word change he could write it that way. Council member McGrath said also 12-13, would need the same word change, to keep people who aren't using the park, from parking there just to charge their car. Mr. Schifano said that was the intent of that change. You do not have to bring a soccer ball with you when you charge your EV. Council member McGrath said that more people with EV's are going to show up and he doesn't want fisticuffs. Mr. Schifano asked, to be clear, would he want to maintain the language that you have to be a park user to charge? Council member McGrath said, during park hours, yes. Council member Hewetson said that she thinks that would prevent the same person charging in that space every day. Mr. Schifano said the intent is to say that you need to only be an EV user, not a park user. It is a self-policing problem with the fees that will be charged. An EV user won't habitually park there because the charge is not free. It's not intended to be your only source for charging. EV users have chargers at their homes. Corey Petersohn, Administration, said it was part of partnering with Duke that, whether you are a park user or not, the EV station be available to you to charge.

Council member Wolff asked if anyone on Town staff would have access to the charging data, to see whether a car was charged or not. Corey Petersohn, Administration, said that the equipment is Duke owned and operated, but they could ask. Council member McGrath said that it showed on the station if the car is fully charged.

Randy Harrington, Town Manager, said that staff will ask Duke Energy if there is some penalty for staying plugged in after charging is complete. Mr. Petersohn said much of the equipment does have that feature and staff can check to see if Duke Energy's equipment does.

Action: Motion to adopt Ordinance 23-03 amending the Parks and Recreation and Parking sections of the Code of Ordinance, with the change of 10.2 paragraph 7to strike "overnight" and add "while actively charging a vehicle regardless of park hours."

Motion by: McGrath
Second by: Berry
Vote: unanimous
A copy of the amended Ordinance 23-03 is attached to these minutes.

OTHER BUSINESS

Council member McGrath said that regarding Mr. Filipov's comments tonight, we constantly talk about the Comprehensive Transportation Plan. He asked how we can we accelerate all our projects. We are increasingly hearing resident frustration, and the frustration level is getting high. Let's figure out how we can use CAMPO, NCDOT and others to fix traffic issues. Secondly, if we have safety concerns, like the development tonight, they become unfunded taxpayer liabilities and we have to find ways to fund them. He said that known safety issues need to be addressed by the developers. MPT Berry said that he agreed.

MANAGER'S REPORT

Randy Harrington, Town Manager, said first he apologized to the Council and the community for the Internet being down and other technology issues we experienced at this meeting. The IT team has been working on it all night, and he apologized. He said that last weekend 27 residents came out for Creek Week cleanup, 140lbs of trash were collected around 6 creeks. Second, we improved a walking trail in the Mims Park area. The inaugural walk was last Monday with a full group. Next Monday, March 27th there will be a second guided hike at Mims Park, with talks about flora, the spring, and GB Alford whose grave is along the trail.

On March 25th there will be a community wide yard sale from 8am-12pm at Ting Park. Spaces are $10 residents or $15 for nonresidents. Lastly, SpringFling 2023 at Dick Sears Field from 10 am to noon on Saturday, March 25th. There will be games, activities, inflatables, bunny meet and greets, and an egg hunt at noon.

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

Motion by: Berry
Second by: McGrath
Vote: unanimous

Adjournment: Council member Wolff made a motion to adjourn at 10:20 pm. It was seconded by MPT Berry and passed with a unanimous vote.

Respectfully Submitted on Tuesday, April 18, 2023.

Linda C. McKinney

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