



MINUTES

The Holly Springs Town Council met in regular session on Tuesday, September 19, 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 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*; Scott Chase, *Assistant Town Manager*; John Schifano, *Town Attorney*; Linda McKinney, *Town Clerk* (recording the minutes); Jeff Wilson, *Director IT*; Mathew Mutter, *IT*; Corey Petersohn, *Budget and Sustainability*; Cassie Hack, *Director, Communications and Marketing*; Kendra Parrish, *Executive Director of Utilities and Infrastructure*; Rachel Ingham and Theresa Randall, *Utilities and Infrastructure*; Paul Liquorie, *Police Chief*; LeRoy Smith, *Fire Chief*; Tina Stroupe, *Finance Director*; Anna Murphy, *Economic Development*; Chris Hills, *Director of Development Services*; Aaron Prichard, Cheryl Caines, Catherine Jacobs, Elizabeth Goodson, and Sean Ryan, *Development Services*; Paige Scott, *Director, Public Works*; LeeAnn Plumer, *Director, Parks & Recreation*.

2. and 3. The Pledge of Allegiance was recited followed by an invocation by Pastor Jamal Brown of Holly Springs United Church of Christ.

4. Agenda Adjustment: The September 19, 2023, meeting agenda was adopted with changes, if any, as listed: move Item 8, Complete 540 Update, before Item 5, Community Planning Month.

Motion: Berry
Second: McGrath
Vote: Unanimous

REQUESTS AND COMMUNICATIONS

8. North Carolina Turnpike Authority Complete 540 Update

Dennis Jernigan, NC Turnpike Authority, gave Council an update on the Complete 540 project. He explained why there were tolls on 540. He showed the section currently under construction, the section that is open to traffic, and the Phase 2 section which will complete the circle. He reminded the public of where the interchanges will be. Mr. Jernigan said that both bridges on Sunset Lake Road are open to traffic, and the bridge at Pierce Olive Road is open to traffic, which will alleviate traffic on Holly Springs Road. He said that there will be intermittent lane closures on East Williams Street for bridge construction, and that the bridge on Holly Springs Road is expected to open to traffic in November 2023. He said that Catherine Place that has been closed to through traffic since January is expected to reopen to traffic in November.

Mr. Jernigan then discussed the landscaping plans, which will be implemented during the planting season (October – March) in 2024, giving examples of the types of plantings that could be used. He gave details of public outreach and provided contact information to the public.

Council member McGrath asked about the landscaping around the Sunset Lake Road bridge, where trees were cut up to fence lines. He said that the cutting was done by a land owner, not DOT, and he wanted the Town to address this with the land owner.

RECOGNITIONS

5. Community Planning Month Proclamation

Chris Hills, Director of Development Services, explained the importance of municipal planning, and the history of Community Planning Month. He recognized the contributions of professional staff, Planning Board and Board of Adjustment, and the elected officials, in bringing the benefits of planning to the Town. He spoke of the contributions of the Town's residents and highlights of 2023, including reaching 50,000 residents. He then announced that the Town had won two awards from the Association of Professional Planners: one for the Comprehensive Transportation Plan, and an Honorable Mention for the Northeast Gateway Master Plan. He called up members of the Planning Board, Board of Adjustment, and Planning Staff to be recognized.

Mayor Mayefskie proclaimed October as Community Planning Month in the Town of Holly Springs.

6. Disability Employment Awareness Month Proclamation

Theresa Randall, ADA Coordinator, said that October is recognized as Disability Employment Awareness Month to celebrate the contributions of America's workers with disabilities, and showcase supportive, inclusive employment policies and practices. She said that this year marks the 50th anniversary of the Rehabilitation Act of 1973 which was the first disability civil rights law to be enacted in the United States and set the stage for the Americans with Disabilities Act which followed in 1990. She said for more information, people can visit the Department of Labor's website at www.dol.gov.

Mayor Mayefskie proclaimed October as Disability Employment Awareness Month in Holly Springs.

7. Communications & Marketing Savvy Award

Cassie Hack, Director of Communications and Marketing, said the Town's Communications & Marketing Department won a 3CMA Savvy Award for the best Digital Interactive Electronic Newsletter for a town of under 100,000 residents, for the NewsFlash. She said that the NewsFlash is delivered to subscribers twice per month and features new, events, and videos. There are 8,762 subscribers and the average "open rate" is 60-65%, which is about twice the average rate. She told residents how to subscribe if they want to receive the NewsFlash.

Consent Agenda

The Council passed a motion to approve all items on the Consent Agenda. The motion carried following a motion by Mayor Pro Tem Berry, a second by Council member McGrath and a unanimous vote. The following actions were affected:

9. Minutes – Council approved the minutes of the September 5, 2023 business meeting.

10. NC DEQ Division of Water Infrastructure Fall 2023 Grant & Loan Funding Resolutions – The Council adopted Resolutions 23-23 and 23-24 submitting funding applications for water and sewer related projects and updating the 10-year Community Investment Plan.
Copies of Resolutions 23-23 and 23-24 are attached to these minutes.

11. Naming Rights Extension Agreement Amendment for North Main Athletic Complex– The Council approved the amended naming rights agreement extension with Ting, Inc. for the North Main Athletic Complex for a two-year term at \$160,000 per year.

12. Oasis Church Development Agreement – The Council approved an Amendment to the Developer Agreement with Oasis Church extending the duration to complete required road improvements for 12 months.

13. Change Order for 2023 Street Resurfacing and Preservation Project – The Council approved a change order for the 2023 Street Resurfacing Project for Daniels Inc. of Garner in the amount of \$96,000 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.

14. Regency Development Agreement – The Council approved a Development Agreement for Regency Subdivision.

PUBLIC HEARINGS

15. Voluntary Annexation A23-01 10325 Holly Springs Road

Aaron Prichard, Development Services, said annexation had been requested for +/- 0.74 acres (inclusive of right-of-way) at 10325 Holly Springs Road in order to connect to Town water. The property is unable to access wastewater at this time because there is no gravity line within reach, and an agreement has been reached with the property owner.

Mayor Mayefskie opened the public hearing.

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

Action: Motion to adopt Annexation Ordinance A23-01 to approve Annexation of the property included in the application.

Motion by: McGrath

Second by: Berry

Vote: unanimous

A copy of Annexation Ordinance A23-01 is attached to these minutes.

16. Elliott Farm Rezoning 22-REZ-07 and Development Agreement

Cheryl Caines, Development Services, said this item concerned rezoning from RR Rural Residential to NR Neighborhood Residential Conditional Zoning District, and a Development Agreement. She said that this was continued from the June 20, 2023 Council meeting and was coming back with revisions to address Council's concerns. She showed the location of the property along Piney Grove Wilbon Road and said the plan for the 148.42 acres is 325 detached and attached residential units.

Ms. Caines said that at the last public hearing the public and Council expressed concerns about the gap along Piney Grove Wilbon Road and the impact that had on road improvements and the side path. Concern was also expressed about traffic at Burt Road and Piney Grove Wilbon. She said the application has been modified to remove the gap so that the sidepath and road improvements continue without interruption. She said the Developer commitments in the Development Agreement include a fee-in-lieu of \$56,336 for the future construction of a traffic signal at the Burt Rd. & Piney Grove Wilbon intersection.

Council member McGrath asked if this had gone back to the Planning Board. Ms. Caines said no. Chris Deshazor, Planning Board Representative, said that last May when Planning Board saw it, they liked the age restriction and lot sizes. They liked the TIA widening of the road. There were concerns about traffic and the gap in the road which has been addressed. They thought there should be more tree preservation. They also thought it would be good to coordinate with Fuquay Varina, but noted that Fuquay Varina does not have capacity for utilities in this area.

Mayor Mayefskie reopened the public hearing.

Mr. Mark Frederick from Parker Poe, speaking for the applicant, said they had made changes to address the concerns heard at the previous public hearing. He showed the updated masterplan, compared to the previous one. On the second concern, regarding the intersection of Burt Rd., while the TIA did not recommend any improvements, the applicant has updated the rezoning request to address these issues. He said they purchased the remaining parcel that faced Piney Grove Wilbon Road, thus removing the gap that had been the issue when this first came before Council. They have committed to making the roadway improvements along the entire frontage. Regarding the Burt Rd. intersection, it would require acquiring more property and it is in the Fuquay Varina jurisdiction; so they have committed to a fee-in-lieu to address a future signal at that intersection. He said he believes that this project is one that provides a unique creative project, and should receive the CD rezoning.

Mr. Frederick said the team was available to answer any questions.

Erinn Schneider, 2809 PG Wilbon Rd., said she had questions about the project. She asked if streetlights would be installed along the road. If they would, she asked that Council not allow bright white LEDs because they are bad for nocturnal species, and for the human biological clock. She thinks Apex does a better job with requiring amber light. Second, about the road widening, what will be left of the road widening when Toll Brothers is finished with their portion? The cross-section map shows a road as wide as Holly Springs Rd. and she has a mature tree line that protects her home from the road, and she is worried that that will be taken out and that the traffic will be increased and dangerous. She would like more information on the traffic.

Keith Foutz said he lives at 7108 Star Chase Lane. He thinks that a traffic light at Burt would be a bad idea because residents wouldn't be able to get out of their driveways when Piney Grove gets backed up. A better idea would be to put a signal at Fleming Loop, because people go more different directions. He said Toll Brothers had done nothing to make this project better for the residents.

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

Ms. Caines said that streetlights would be required but she didn't know what type of bulbs. The frontage on the other side of Piney Grove Wilbon is within Fuquay Varina's jurisdiction. There are no plans at the moment that Holly Springs' staff is aware of that would impact that side of the road.

Council member Wolff asked Town Manager, Randy Harrington, to speak to the signal question.

Mr. Harrington said that at the intersection of Burt there is joint adjacency of Holly Springs and Fuquay Varina. NC Statutes do not provide authorization for us to construct or maintain improvements outside of our jurisdiction. The most likely solution would be if NCDOT were to put a signal there they would partner with Holly Springs and Fuquay Varina.

Council member McGrath said that he approached the Mayor of Fuquay Varina to address this and was told that our two staffs are coordinating for this area. But given what he just heard, he was not sure. Is it a 4-lane divided road in both our Comprehensive Transportation Plans? Ms. Jacobs said yes, both municipalities have it as a 4-lane divided road. Some rights of way may be different but it will look very similar. Council member McGrath said this was a potential CAMPO or NCDOT driven project, and asked how do we address the concerns of residents who are outside of our jurisdiction. He asked if Fuquay Varina had already dedicated right of way. Ms. Jacobs said she couldn't really address that. They would need to check with Fuquay Varina or look at the plat for their property to see if the right of way had been dedicated.

MPT Berry asked about Phase 3 updates at Basal Creek and whether that would help our utility system. Ms. Jacobs said that they haven't finished their sewer plans yet. She said it may or may not go to Basal Creek. Those details will come at subdivision. There are multiple feasible options for this project, which they will narrow down at the next step.

Council member McGrath asked if Holly Springs determined the type of bulbs in streetlights. Chris Hills, Director of Development Services, said Duke Energy is the provider, but it is a reasonable request and staff will work with them when it comes to CD time.

Action 1: Motion to adopt Rezoning Ordinance RZ23-05 adopting the statement of compatibility and approving rezoning.

Motion by: Wolff

Second by: Forrest

Vote:

Aye: Wolff, Forrest, McGrath, Hewetson

Nay: Berry

The motion passed.

Action 2: Motion to approve Development Agreement.

Motion by: Wolff

Second by: Forrest

Vote: unanimous

17. Cass Holt Crossing Rezoning 22-REZ-15

Mayor Mayefskie said that this item was continued from the August meeting, but that it was going to be continued to the October 17th meeting.

Mayor Mayefskie opened the public hearing and asked for a motion to continue.

Action: Motion to continue public hearing to the October 17, 2023 meeting.

Motion by: McGrath

Second by: Forrest

Vote: unanimous

18. Friendship Innovation Park Rezoning 22-REZ-17

Mayor Mayefskie said that the applicant was requesting a continuance to the October 17th Council meeting.

Mayor Mayefskie opened the public hearing.

Bruce Wrenn was called but was not in the Chamber.

Roger Bess, 12409 Holly Springs New Hill Road, said he was speaking as a resident of the area, not as a member of the Planning Board. This area has always been planned for a business park. Now it has a very high-density residential component, 7-story buildings with a proposed zoning of 16 units per acres. But the zoning would allow the two 16 unit /acre areas to be combined and make one area of 30 units per acre. He said with this amount of residential, it should have been two separate rezoning requests; 1 for residential, 1 for business park.

Deborah Bess, 12409 Holly Springs New Hill Rd., said she agreed with her husband's comments, but her main concern was the traffic issue. She was pleased about the awards Holly Springs is winning for our transportation planning, but we are getting a reputation for bad traffic. The traffic on Friendship Rd. this evening, she counted 34 cars waiting to turn. Traffic is already bad. It is a blind curve and there are many accidents in that spot. The road will narrow at the bridge and the developers are only asked to construct a 4-lane road along their project, so it will create an

hourglass. She expressed concern that since they are in the ETJ they may not be included in jurisdiction for roads. But she urged them to work with the DOT to improve the traffic in this area.

Elizabeth Stitt, 3113 Friendship Rd., said she was grateful that this is being continued. She lives on the other side of US 1. It's not Apex, it's not Holly Springs. Only one of her neighbors received notice. She watches the interactive development map and said this was not on the map. She and her neighbors have not been able to review the information. She said there was no TIA and traffic is a significant issue. This shouldn't go before Planning Board without a TIA. She said they need the information and they need time to review it. She said they reached out to the developer and asked for a meeting but that has not happened yet. She submitted a public record request but has not yet received it.

Bryan Margaria said he lives on Deer Path Rd., just down from this development. He has the same concerns about traffic. He is a volunteer coach for Wake FC, and he can't get to practice on time due to the traffic. It backs up from NC 751 past his street, almost to the intersection of Friendship and Holly Springs New Hill Rd. He is also concerned about the smaller property's rezoning, with a pump station going in between Deer Path and Holly Springs New Hill & Friendship Roads. Even though there is a buffer zone, he thinks they are pushing the envelope for how far it can go and how big that lot is going to be. He said he sees flooding on that property during rainstorms. Since Amgen started construction, the color of that flood water has changed, and you can see that it comes from there. His two big concerns are the traffic and the section where the pump station will go.

Council member McGrath asked about the TIA. Ms. Jacobs said the TIA would go out to the requestor tomorrow. Council member McGrath asked if NCDOT's involvement in this area was documented in the TIA and Ms. Jacobs said it was.

MPT Berry said the next time this comes back we will have the road improvements ironed out.

Action: Motion to continue public hearing to October 17, 2023.

Motion by: Forrest

Second by: McGrath

Vote: unanimous

19. Friendship Innovation Master Plan Amendment 21-MAS-04-A02

Cheryl Caines said this was the master plan amendment associated with the rezoning.

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

Elizabeth Stitt said there were no plans on the TIA for the Friendship Rd and Old US 1 intersection. She called NCDOT and they said it was not in their jurisdiction. They then put in 5%, which caused the final TIA to show that the turn lanes planned by Apex would have to be extended. Since that time there has been other development approved. So the TIA is really critical and we haven't seen the TIA. There is no way that we can review it. She said she has trouble getting out of her driveway on Friendship Rd. There is no shoulder for cars to pull off for an emergency vehicle. She said there was no way to evacuate in case of a nuclear accident. She said residents need to look at the TIA and there needs to be a community resolution versus just what is in Holly Springs' jurisdiction.

Mayor Mayefskie asked for a motion to continue.

Action: Motion to continue public hearing until October 17, 2023.

Motion by: Forrest
Second by: Hewetson
Vote: unanimous

NEW BUSINESS

20. Locally Administered Project Program (LAPP) Federal Fiscal Year 2025 Application

Aaron Prichard, Development Services, said this item was to request authorization to proceed with LAPP grant application on the Cass Holt Signal and Street Improvements project. He outlined the basics of the LAPP program and said that project selection will be made in February 2024, but applications must be finalized in October. He said that Holly Springs has received \$11 million in funding for eight ongoing projects and showed where those projects are. He then showed where two possibly eligible projects were. He explained the selection criteria and how projects are scored. Holly Springs is only eligible to apply for one project in this cycle.

Mr. Prichard then outlined the details of the two possible LAPP projects – Holly Springs Road West Design, and Cass Holt Road Signal and Street Improvements. He explained why the Cass Holt project had a higher chance of being selected, which was why staff recommends that project.

Mr. Prichard outlined the next steps, which include application in October of 2023 and the funding decision in February of 2024.

Council member McGrath asked why Cass Holt Rd. was preferred over Holly Springs Rd by CAMPO. He said in the past multi-jurisdictional projects were preferred. He expounded on why Holly Springs Road was multi-jurisdictional and why it needed to be done. Mr. Prichard said those were valid points. But in conversations staff had with CAMPO, they learned that there is a penalty on the scoring evaluation for projects that are for Design. They want shovel-ready projects that will begin within one year. CAMPO said it would cut the points in half to submit a design project.

Action: Motion to authorize staff to proceed with LAPP application on Cass Holt Signal and Street Improvements.

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

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 public comments were received in person:

Julie St. Cyr said she lives in Garrison subdivision. Recently No Parking signs were put in the neighborhood. She thinks they are overkill. She homeschools 6 of her 7 children and their math tutor has to park at the neighbor's house. Service providers, like electricians, lawn care, etc. are getting ticketed. She thinks "No Student Parking" signs would be better.

Jesse St. Cyr said when he was at the last meeting it was said that we would see how it went. Now we know. Residents are being ticketed for parking in front of their houses and there is no reason why homeowners and service trucks should be ticketed. He said there were service

providers in front of MPT Berry's house and asked if they got ticketed. He wants to have friends come over and tutors park in front of his house. There is no reason for this. It is overbroad, overreaching, and excessive. It was said you were open to changes and he would like to see them. He said this was not a limited government approach and would like to see it changed. He sent a proposal by email for the changes. He said he doesn't care how it gets taken care of but he wants to be able to use his neighborhood like other people do. He suggested an affirmative defense where someone can say "I'm not a high school student" and the ticket would be dismissed.

Sy Elisan said he appreciated Council being willing to serve. He was here to talk about parking in Garrison. He heard people's concerns at the last meeting, but they were things that were already illegal. A new law was not the way to deal with this. He expressed frustration. He thought it was an easy thing to fix and he hopes they will fix it.

Elizabeth Stitt, said her end of Friendship Rd. near Apex is consistently rated as a level of service F. They have talked to Apex, NCDOT, Holly Springs, the Sheriff, the Highway Patrol, and everyone is blaming each other. So she went out with a neighbor and asked them to sign a petition. There are over 400 signatures (mostly online through a QR code). The petition will be mailed to all of the above jurisdictions asking for short-term tactical things to address the traffic, and some longer term things. She would like to sit down and have conversations about this problem. She said she had a neighbor here who arrived too late to sign up but would like to speak.

Neal Trussell said he lives in the Garrison neighborhood. He was here to speak about parking. His house is right next to the path to the High School. Over the last 10 years he has not had an issue with high school parking. Maybe 10 minutes out of the normal school day were there parents dropping kids off. He thinks the ordinance is not needed. It does more harm than good. It's not just one sign. From the entrance of the neighborhood he can see 9 signs.

Beth Whitman Bland said she lives at the end of Friendship Road right before the bridge. There are 2 neighbors that get notifications from Holly Springs concerning Amgen. Her husband Tom Bland and she are both very concerned. She said progress is great but you need to look at what you are wanting to do with rezoning. She talked to John Keener, Trustwell, Helix, and Timmons. The Bachman Tract, behind her property, was shown to her as being Holly Springs. There is so much growth and the infrastructure is not in place to support it. She urged Council to look at it. The noise on US 1 is so loud they can't sit in their backyard. She said she cannot attend the October meeting but will try to send something that can be read.

OTHER BUSINESS

Council member Forrest asked if a revision to the parking ordinance had been presented. Randy Harrington, Town Manager, said a write up in the Friday briefing would show what had been observed and thoughts on how to move forward. Council member Forrest congratulated Chris Hills and the Development Services team. But that leads to traffic and development. While Holly Springs has planned properly, downstream areas have not and we have to pay the price for those that haven't planned properly and send traffic through Holly Springs. He said he was committed to making sure that a plan has a decent TIA. Also we are looking at the UDO and the TIA process. We tend to talk with our neighbors, but we are stuck with problems we inherit. He spoke of turn lanes and projects; we are doing everything within our budget that we can do. As he listened tonight to the public comments, he said he believes staff does a great job of balancing the requirements and he wants to publicly state that we turn a lot of developments away before they get to this point. So the ones that make it to Town Council have jumped through a lot of hoops to get here. He asked Mr. Hills to let Council know what bulbs are required for streetlights. Mr. Hills said it would be in the council briefing.

Council member McGrath said that a portion of funding for the new park for public art was mentioned in the Council Briefing. He expected that to come before Council because it was for a large amount. He said that Council should have a voice in spending that amount of money and

whether it should be on art or something else. Secondly, we've talked a lot about road improvements tonight. He said we need to communicate to the public more about economic development and those agreements we have worked with our partners at the state and county for road improvements.

Council member Wolff said he agreed with Council member McGrath's comments about road improvements. There are 3 ways they get done: by developers; by the Town putting town money into state roads, which costs millions of dollars and usually comes with bonds; and by the state. There is no money we can put into Friendship. There are so many state-owned roads we are trying to fix for NCDOT and we don't have the money. DOT has talked about the intersection at US 1, but they are backlogged on projects and do not have the resources, because they are underfunded. Which is why we as a legislative committee have asked the General Assembly to increase the funding for NCDOT so that they can build those projects. People need to talk to their legislators to increase DOT funding. The General Assembly had a 6 million surplus a few years back and it was not spent adequately. The state funds NCDOT; NCDOT needs to do these things; and we need to talk to the General Assembly.

Council member Wolff then asked if service vehicles were actually being ticketed. Randy Harrington, Town Manager, said that warnings were being issued but he didn't know if any tickets had been issued. That would be in the report. Council member Wolff said that our Holly Springs Police Department has discretion and they are capable people who use that discretion wisely. Secondly, we are working on a more targeted ordinance. We hear your concerns. But we also hear the concerns of your neighbors who were negatively affected. It is not easy, but we are trying to balance both sets of concerns.

MANAGER'S REPORT

Randy Harrington, Town Manager, said he had two items. First, we will do a follow up on the situation with 540 and the trees in the Friday briefing. Secondly, this Saturday at the Farmers Market is Town Information Day. Community members can stop by booths and learn more about the Town, what's coming to Town, and how to sign up for things.

CLOSED SESSION: The Council entered into closed session, pursuant to N.C.G.S. 143-318.11(a)(4) to discuss two Economic Development projects and N.C.G.S. 143-318.11(a)(3) to confer with the Town attorney on three legal matters. *Collins Park Holly Springs LLC v. Town of Holly Springs; Gladys Adams and Michael Adams v. Town of Holly Springs; and George Heugerich Revocable Trust v. Town of Holly Springs*

Motion by: Wolff

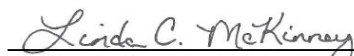
Second by: Berry

Vote: Unanimous

Motion to leave closed session was made by Council member Wolff, seconded by Council member Forrest, and passed with a unanimous vote.

Adjournment: Mayor Pro Tem Berry made a motion to adjourn at 10:21 pm. It was seconded by Council member McGrath and passed with a unanimous vote.

Respectfully Submitted on Tuesday, October 17, 2023.



Linda C. McKinney, Town Clerk

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