Holly Springs Town Council
7:00 PM **Tuesday, November 21, 2023**
Regular Meeting
Holly Springs Town Hall Council Chambers
128 S. Main Street, 2nd Floor

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, November 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 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); Mathew Mutter, *IT;* Kathy White, *Deputy Clerk;* Corey Petersohn, *Budget and Sustainability;* Cassie Hack, *Director, Communications and Marketing*; Tina Stroupe, *Finance Director;* Chris Hills, *Director of Development Services;* Aaron Prichard, Cheryl Caines, Elizabeth Goodson, Brett Gosney, Catherine Jacobs, and Sean Ryan, *Development Services;* LeeAnn Plumer, *Director, Parks & Recreation;* Matt Beard, *Parks & Recreation.*

2. and 3. The Pledge of Allegiance was recited followed by an invocation by Ahmed Radwan of the Alnoor Islamic Center.

4. Agenda Adjustment: The November 21, 2023, meeting agenda was adopted with changes, if any, as listed: none.

Motion: Berry
Second: McGrath
Vote: Unanimous

REQUESTS AND COMMUNICATIONS

5. Herbert Akins Road Middle School Solve For Tomorrow

Matt Beard, Parks and Recreation, introduced teacher Debbie Schelin and her students. They explained the Samsung Solve for Tomorrow competition and the project they have entered in the competition this year.

6. South Wake Landfill Update

Scott Chase, Assistant Town Manager, introduced John Roberson of the South Wake Landfill to give an update. Mr. Roberson spoke about updates GFL and the County have made to treat wastewater, reduce malodors, and otherwise improve the experience for neighbors. He spoke of the plan to convert landfill gas to natural gas by the end of 2024. He showed the odor reporting trends for the last several years. He introduced Marcus Thompson, who spoke of their efforts to communicate with the public.

Council member Wolff asked if all the eNose sensors were up and operational. Mr. Roberson said they had 6 up and going and they get notifications from them if the odor level reaches certain levels. Council member Wolff spoke of the success of working together and thanked the staff of Wake County and Holly Springs for working together to solve a big problem.

Council member McGrath thanked Mr. Roberson and said he had seen progress. He thanked the GFL partners for their part in the good progress.

7. Annual Comprehensive Financial Report

Tina Stroupe, Finance Director, introduced April Adams of Cherry Bekaert and said that she would present the audit results for the fiscal year ending June 30, 2023. Ms. Adams identified the team that performed the audit. She said they performed a single audit covering major federal programs including Coronavirus State and Local Fiscal Recovery Funds and Highway Planning and Construction funds. She said the town did not expend more than $500,000 in state programs and no single audit was required for state funds. She outlined the process used in the audit and said that they noted no deficiencies that they believe to be material weaknesses, no misstatements, and no other issues.

Ms. Stroupe outlined the current debt position, debt service expenditure ratio, and debt to assessed valuation, which is a better percentage than required by Town Policy or State Statute. She said that we have a 99.8% collection rate on ad valorem taxes with an increase of $2.4 million over the prior year and a sales tax revenue increase of $1.4 million over FY22. She explained the fund balance situation, and its relationship to the Town growth. She said that the Town's credit rating remains high with each of the credit rating agencies.

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:

8. <u>Minutes</u> – Council approved the minutes of the October 10, 2023 Workshop meeting and the October 17, 2023 business meeting.

9. <u>Monthly Budget Amendment Report</u> – The Council approved budget amendments for vehicle replacement and parks donations.

Copies of the budget amendments are attached to these minutes.

10. <u>5121 Sunset Lake Rd. Minimum Housing</u> – The Council adopted Ordinance 23-40 declaring 5121 unfit for human habitation and directing the town attorney to file suit to compel the property owners to repair the house or, in the event they fail to do so, to authorize the Town to demolish the structure.

A copy of Ordinance 23-40 is attached to these minutes.

11. <u>Surplus Property – House at Cass Holt Rd. Park Site</u> – The Council approved Resolution 23-26 declaring the house on the park property on Cass Holt Road surplus and authorizing disposal of the same.

A copy of Resolution 23-26 is attached to these minutes.

12. <u>Main St. Right Turn Lane – Duke Relocate Contract</u> – The Council approved the Duke Energy Utility Relocation Agreement in the amount of $332,331.74 and authorized the Town Manager to negotiate, sign, and execute any other required agreements, amendments, or change orders associated with the electrical utility relocation agreement necessary to deliver the Main St. Right Turn Lane project consistent with prior Council action, direction, and within the project budget and approved funding sources.

13. <u>Fiscal Year 2023-24 Position Reclassifications</u> – The Council approved FY2023-24 reclassifications in Public Works, Utilities & Infrastructure, Development Services, and Parks & Recreation.

14. 1220 N. Main St. Voluntary Annexation A23-05 – The Council adopted Resolution 23-30 directing the Town Clerk to investigate the sufficiency of Annexation A23-05 and setting the public hearing for December 19, 2023.

A copy of Resolution 23-30 is attached to these minutes.

15. Equipment Lease Agreement with the Town of Apex – The Council authorized the Town Manager to execute a Lease Agreement with the Town of Apex to lease a leaf vacuum truck.

16. Site Use License Agreement with Flytrex, Inc. – The Council approved the License Agreement between the Town of Holly Springs and Flytrex, Inc. for the use of drone food delivery zones on town property and authorized the Town Manager to execute the agreement.

17. Utilities & Infrastructure Fee Schedule Revisions – The Council approved revisions to the Utility Permit Fees as follows: Water Permit Application Review $600; Sewer Permit Application Review $600; Reclaimed Water Distribution Line Extension Permit Application Review $600.

18. Asset Inventory Assessments (AIA) – Stormwater - The Council approved a contract with WithersRavenel for a Stormwater Asset Inventory Assessment in an amount not to exceed $150,300.

19. Resolution Certifying the Results of the Special Bond Referendum for 2023 Parks and Recreation General Obligation Bond – The Council adopted Resolution 23-31 certifying the results of the special bond referendum for 2023 Parks and Recreation General Obligation Bonds.

A copy of Resolution 23-31 is attached to these minutes.

PUBLIC HEARINGS

20. Friendship Innovation Park Rezoning 22-REZ-17

Cheryl Caines, Development Services, said the town received a request to rezone 349.05 +/- acres near the intersection of Friendship Road and Holly Springs New Hill Road from RR Rural Residential to BRT Business & Research Technology, and from BRT Business & Research Technology, CB Community Business, and RR Rural Residential to IVMX-CD Innovation Village Mixed Use Conditional Zoning District. This first came before Council at the September 19th meeting and was continued, first to October 17th and then to tonight. She showed the location of the property on a map and showed the parcels to be rezoned in relation to the existing project. She reminded Council and the audience of the proposed zoning for each subarea. She said that there were concerns raised at the previous meeting about density and transportation improvements. The applicant has updated their request to state that, while the maximum number of residential units remains at 1,200, Subarea 2's maximum increased from 600 to 800 and Subarea 3's maximum decreased from 600 to 400. Transfer of density (up to 400 units) is allowed from area 3 to 2, but not in reverse. She told Council that the proposals for Subarea 1 had not changed.

Elizabeth Goodson, Development Services, reviewed the traffic study scope that studied intersections at US 1, Friendship Rd, Holly Springs New Hill Rd., and Woods Creek Road. She showed the improvements that this project would construct along those roads and discussed the improvements being made by other nearby developments. These improvements include widening Holly Springs New Hill Road, and Friendship Road, improving intersections on site and improving off site intersections on Holly Springs New Hill Road, Friendship Road, US 1, and New Hill Holleman Road. The applicant also proposes paying a proportional fee-in-lieu for signal and road improvements at the Old US 1 / Friendship Road intersection, which is out of Holly Springs' jurisdiction. Ms. Goodson showed on a map the various improvements being made by this and other developments in the area.

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

Jon Keener, representing the applicant, outlined how the Innovation Village Goals and Town Council Goals would be advanced by this project. He said the purpose of the development was to create a modern advanced manufacturing park with all the needed support uses in a well-connected location to benefit new employers and the surrounding community. He outlined how this development complies with the UDO and the Comprehensive Plan. He then outlined the changes made based on community requests. The building heights have been reduced in subareas 2 & 3 and no multifamily units will be in Subarea 1. Subarea 3 would have a maximum of 400 multifamily units with no ability to transfer units into subarea 3. He reminded the audience that all zoning conditions would remain for any future property owner.

Mr. Keener said that they are offering a fee-in-lieu of $133,000 to expedite improvements at Old US 1 and he reiterated his commitment to coordination with NCDOT on all projects. He said that would include Town of Holly Springs gateway signage at the future interchange of US 1. Mr. Keener said that the improvements that they are responsible for equal about $35 million dollars, not counting the improvements within the park. He spoke about the buffers that would protect the surrounding properties. He said the projected timeline would begin with Phase 1 over the next 12 months. In Years 1-3 they would focus on the employment center. In year 3 they will create the central amenities, which would be open to the public. In years 4-5 additional GMP areas for further employment with the new interchange expected in years 5-7. The final section will be developed in years 7-10. Mr. Keener walked Council through the concept site plan with images indicating the type of development to be built.

MPT Berry asked if multi-family would be the same as mixed use in the timeline. Mr. Keener said that until the other buildings were there it would be foolish to build the multi-family. MPT Berry asked for continued advocacy for the new interchange with NCDOT and other state officials.

Elizabeth Stitt, 3113 Friendship Rd. Apex, said she is waiting for answer to questions she raised and, though it was a good presentation she was there to burst the bubble. She said it was a rush to come back a month after the last meeting. She said no one has talked to her about the fee-in-lieu or answered her questions other than at a high level. She provided a document to Council that she said showed information she had not been given. She said the project would add additional trucks on the road and that it would not hold them. She said she could go to the NC Board of Examiners for Engineers and Surveyors, who has the authority to determine if this TIA was produced and reviewed according to the required standards. She said that going to the Board would be unnecessary if we could work through her concerns. She said if Council voted yes tonight, she would continue to “hold them accountable.” She asked Council to table this again to get her the answers she wants. She said the first question she asked was what are the daily traffic counts. She said that question remained unanswered.

Beth Bland, 3724 Friendship Rd, Apex, said she lives straight across from Subarea 2. She is a longtime resident of Friendship Rd., and her husband built their house in 1987. The rezoning request will add an additional 1200 residences along with commercial uses. She doesn’t know how the units would be spaced – in one building or not. All of the residents would live in that area. They say they have lowered the height of the buildings, but it still says 75 to 100 ft and she thinks that is too tall. It’s all based on the new interchange that they say will be built, but that has not been confirmed. Her neighbor was told it would be 2045 or later before that interchange is built. She said that if you are going to build this with the assumption the interchange will be in place you need to make sure when that is going to happen before you approve this. She asked for this to be delayed. She said the lighting plan also concerns her. The picture they took was from the bridge. But from her property they see more and she is not sure how that is going to work.

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

Council member McGrath said we are building “islands” and we don’t have the infrastructure between them. What is the cost per square mile or linear foot to make these improvements that are not being made? Ms. Goodson said we do not have a linear footage number but Utilities and Infrastructure can figure those numbers and get back to you. When improvements are not built by developers they do go on the Community Investment Plan (CIP) and if NCDOT does not make the improvements the Town does have to plan for them. Council member McGrath said this is a large bill and he thinks that interchange is a long way out.

Council member Wolff said we've heard a lot about this project and the TIA. He said he trusts staff and asked Ms. Goodson if she found the TIA to be deficient in any way. Ms. Goodson said her background was not in traffic analysis, but staff uses a professional to analyze TIAs. She said that our traffic consultant reviewed this, and we went back through it after receiving these concerns, and did not find any issues with the analysis. Assumptions are made and factors added, but this is something that will continue to be looked at. Council member Wolff said he trusts staff, trusts the consultant, and thinks he would have no fear in this work being reviewed by another professional.

MPT Berry asked about the phasing of the improvements. Ms. Goodson said they are triggered by different phases of the project and would be completed before a Certificate of Occupancy (CO) was issued.

Action: Motion to approve Rezoning Ordinance RZ23-07 to adopt the statement of compatibility and approve rezoning.

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

21. Voluntary Annexation A22-08 12532 Holly Springs New Hill Road

Aaron Prichard, Development Services, said the purpose of this item was to consider annexation of +/- 149.16 acres along Holly Springs New Hill Road. This property is part of the area that was just rezoned in the previous item.

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 A22-08 to approve annexation of the property included in the application.

Motion by: Wolff
Second by: Forrest
Vote: unanimous
A copy of Annexation Ordinance A22-08 is attached to these minutes.

22. Friendship Innovation Park Master Plan Major Amendment

Cheryl Caines, Development Services, said that this item was for Council to consider a Master Plan Major Amendment connected to the two items above. She reminded Council of their previous actions dating back to September 2021 which got us to this point. She showed the current zoning and the designation of Innovation Village and Business & Industrial on the Land Use and Character Plan. She reviewed the Development Review Process and where Council is now in the process. She summarized the detailed master plan with separate PODs A – H. PODs E, F, and H are either approved or under review. She outlined the conditions that were just approved with the rezoning and would be applied. She said the plan meets the conditional district standards and zoning standards, and also the improvements outlined in the studies for utilities and transportation.

Elizabeth Goodson said that what has changed is the water and sewer around the frontages. She outlined the transportation improvements that would be required per the Comprehensive Transportation Plan (CTP) and discussed the potential new interchange with US 1.

Josh Prizer, Planning Board Representative, said that the Planning Board recommended approval with a vote of 7 to 0. Feedback was minimal and they did not foresee any problems.

Ms. Caines said she would like to enter the staff report into the record.

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

Jon Keener, applicant, said he would like to enter into evidence everything that has been presented so far, and said he had traffic experts and technical experts in the audience if needed to answer any questions. He presented Camp Helix report to be entered into the record.

John Schifano, Town Attorney, outlined the difference between legislative and quasi-judicial public hearings. He said that what is required for this quasi-judicial hearing is weighing the development plan against the UDO to determine that it meets those requirements. Council can consider direct substantial evidence that may indicate that that is not true, but it must be direct, non hearsay, and if it pertains to an expert would have to be given by an expert.

Elizabeth Stitt, 3113 Friendship Rd. said she consulted her attorney and wants to enter two exhibits into evidence for an appeal. She handed those exhibits to Council. She said she was an expert on Friendship Rd. because she lives there and estimates she has made 81,760 trips on this road. She showed photos which she said documented the weight limit on the road. She said she can see that the road has deteriorated since the beginning of the construction of Amgen. Council member Wolff asked how she knew the trucks exceeded the weight limit. She said that the weight of a truck is *prima facia* evidence because she has personally seen them. She said she knows that manufacturing vehicles are greater than 6 ½ tons. For her second exhibit she presented a petition from the drivers who block her driveway when traffic backs up. John Schifano, Town Attorney, said that her saying that the people who signed the petition are against this project is hearsay and thus not admissible.

Beth Bland, 3724 Friendship Road, Apex, said she wants to make sure that her previously sworn affidavit from October is on record and that there are no questions. Mr. Schifano said that she is here and now would be the time to testify to that. Ms. Bland said that she feels it is already recorded and she is not prepared to go back over it.

Mr. Keener said that during construction they understand that there are weight limits and they are required to cooperate with those limits. If they are over that they are required to go out to US 1.

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

Council member McGrath asked if we can assume that from our perspective, from the UDO, there is a prohibition of any Construction traffic. Mr. Schifano said that to his knowledge there are no weight limited roads, just bridges. And the law has to apply to anyone who is building in Holly Springs. Council member McGrath asked if that was noted in the development plan. Mayor Mayefskie asked if that kind of enforcement is town managed. Randy Harrington, Town Manager, said that it would be the state who manages and enforces weight limits on bridges. Council member McGrath said that if we are approving the development, for our protection, we should state in the plan that they are required to follow the law. Mr. Schifano said that's a good point but at what point to we list out, you must obey the speed limit etc. Council member McGrath asked if there would be a liability that the Town would have to pay. Mr. Schifano said the Town would not have liability for a private contractor driving over a bridge that they were too heavy for. Council member McGrath said as a statement of fact for the record, none of these are Holly Springs maintained roads; they are all state maintained.

Action: Motion to make and accept the Findings of Fact for Master Plan 21-MAS-04-A02 as found in the Motions and Conditions attachment and to approve the Master Plan Amendment.

Motion by: Wolff
Second by: Forrest
Vote: unanimous

23. Cass Holt Crossing Rezoning 22-REZ-15

Cheryl Caines, Development Services, said the purpose of this item was to consider rezoning a parcel along Cass Holt Road from RR Rural Residential to NR Neighborhood Residential Conditional Zoning District. She said that this was continued from a previous meeting. She outlined the existing zoning and the current designation of Mixed Residential Neighborhood on the land Use and Character Plan. She outlined the public hearing history from July to the present. She said the concern at the previous hearings was the pedestrian connection. She showed the new proposed pedestrian connection along the south side of Honeycutt Road.

Mayor Mayefskie opened the public hearing.

Jason Baron of Morning Star Law Firm, speaking for the applicant, showed the updated master plan with the pedestrian connection along Honeycutt from Cass Holt Rd. to the Honeycutt Farms sidewalk. He showed the problems with constructing a sidewalk on the north side of the road due to a culvert that would have to be crossed. He then reminded Council of different options that had been considered. They landed on moving the sidewalk to the south side of Honeycutt Road with a crosswalk at the intersection of Cass Holt and Honeycutt, connecting to the existing sidewalk. This connection is more likely to be supported by the NCDOT than the previously suggested mid-block crossing.

MPT Berry asked if the intersection at Cass Holt and Honeycutt was signalized and if there was a fee-in-lieu for that. Ms. Jacobs said it is not signalized but is being monitored. Mr. Baron said monitoring the intersection was a committed element of the rezoning.

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

MPT Berry applauded the development team for coming back and rectifying this problem. This will connect homes to the new park that voters just approved. He said it contains townhomes because they were in the Comprehensive Plan. But the developer has done a good job of limiting the density.

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

Motion by: McGrath
Second by: Forrest
Vote: unanimous
A copy of Ordinance RZ23-05 is attached to these minutes.

Action 2: Motion to adopt Development Agreement.

Motion by: McGrath
Second by: Wolff
Vote: unanimous

MPT Berry asked if there was an offset in Parks & Recreation fees. Mr. Schifano said that the small piece on the western side will get an offset for that sidepath, but the connection that was just worked out would not trigger an offset.

24. Yield North (Goodwin) PODs A & C Development Plan

Brett Gosney, Development Services, said that this item was to consider a development plan at 7511 Woods Creek Road, Yield North, for PODs A & C. He located the property on a map for the audience, and said that the property was rezoned in June 2022, a major subdivision plan was approved in January of 2023 and now Council was considering the Development Plan. He said the property is designated Innovation Village on the Land Use and Character Plan and zoned BRT Business Research Technology with conditions limiting the permitted uses, requiring a minimum of 10% open space and a minimum building height of 25 feet.

Mr. Gosney showed where POD A and POD C were within the development. He said POD A would be a 99,194 sq. ft. Lab & Research facility with 224 total parking spaces, 13 of which would have EV chargers and an additional 33 would be EV Charger ready. He said POD C would be a 60,657 sq. ft. Lab & Research facility with 136 total parking spaces, 9 of which would provide EV charging and an additional 19 would be EV ready.

Catherine Jacobs, Development Services, said that the site would be served by water, reclaimed water, and sewer. There is a previously approved on-site pump station, and potable water would be extended. She said that the previously approved Traffic Study included improvements as part of Phase 1. She showed where the driveway connections would be. She said this Development plan has been reviewed by staff and found consistent with the rezoning requirements.

Josh Prizer, Planning Board Representative, said that the Planning Board recommended approval with a vote of 7 to 0. Questions were around the buffers and they were sufficiently answered.

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

Elizabeth McMillan, speaking for the applicant, said that staff's presentation was extensive, so she was happy to answer questions or present her experts to answer questions. There were none.

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

Action 1: Motion to make and accept the Findings of Fact for Development Plan 23-DP-02 as found in the Motions and Conditions attachment.

Motion by: Forrest
Second by: Wolff
Vote: unanimous

Action 2: Motion to approve the Development Plan.

Motion by: Forrest
Second by: Wolff
Vote: unanimous

25. Main Street Vista Development Plan

Brett Gosney, Development Services, said the purpose of this item was to consider a development plan for Main Street Vista at the corner of Holly Springs Rd. and N. Main St. He located the property on a map and said that it was rezoned on April 18, 2023 and now Council is considering the Development Plan. He said the property is designated Downtown Village District on the Land Use and Character Plan and zoned DMX Downtown Mixed Use. The development plan is for a mixed-use development with 277 dwelling units, 12 live work units, and 20,112 square feet of ground floor commercial space in a total of 6 buildings.

Catherine Jacobs, Development Services, said the site is served by sewer and water from Holly Springs Road and Main Street. Offsite improvements include a proposed offsite sewer line and upsizing of the existing sanitary sewer. Transportation improvements include widening N. Main St. and Holly Springs Rd. along the property frontage to meet one-half cross section, and creating internal connectors. The developer is proposing to construct the near term improvements pointed out by the Hot Spot Study. The CTP speaks to studying a round-a-bout at this location and found that it did not meet the needs of this intersection at this time. She outlined the traffic improvements that they will be constructing as set forth in the original TIA.

Ms. Jacobs showed the offsite pedestrian connection committed to by the developer and the improvements at the site entrance on Holly Springs Road. She said that sidepaths would be constructed along the property frontage on both Holly Springs Rd. and Main St. and the 350 feet along Main Street that is not along the property frontage would be constructed by the developer.

Josh Prizer, Planning Board representative, said that the Planning Board recommended approval with a vote of 4 to 3. He said the aesthetics of the building and the live-work units and sidewalk connection were great. But their concern was related to the traffic in the area. They discussed the stacking of the turn lane into the development. And that it would be hard to get from there to Holly Ridge Elementary School.

Council member McGrath asked if there were facts from the TIA about expected traffic flow to address the concerns. Mr. Prizer said there were, and it passed muster on paper. He asked staff about a potential U-turn. Ms. Jacobs said they were concerned about being able to make a U-turn within a reasonable distance, but that comes with further development, as there are not full cross sections everywhere.

Council member Forrest asked if once they finish building Holly Springs Rd. they will be able to turn left out of the subdivision. Ms. Jacobs said no. Council member Forrest said if they're going to have to go right anyway, this will be the same problem our established residents have. So, they have to go down to the Sonic where there is a light. It's a problem set for the area, not this project. It's not unique to this development.

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

Jason Barron, speaking for the applicant, said he thinks this plan was the first Conditional Zoning project approved by this Council. He said this plan is precisely what was presented during the rezoning process which was approved by Council and is consistent with the UDO. He said Laura Holleman would testify on the plan and Nick Williamson would testify to the utilities.

Ms. Holleman gave her curriculum vitae and said she was a certified ACP planner. She said the plan was consistent with the UDO. She outlined how the plan meets the criteria of the ordinance, satisfies the Conditional Zoning requirements, is walkable to downtown, includes significant infrastructure improvements, and is building on the success of the town's investment in the downtown. She showed the approved zoning requirements that came with the Conditional Zoning, including the perimeter buffers. She showed the internal layout of the buildings, parking, and Village Green. She said parking would be in the rear and sides of the buildings to preserve the walkable area. She said they have met the required open space identified in the rezoning. She outlined the number of parking spaces, EV spaces, and bicycle parking spaces. She said that they are providing evergreen buffers even though technically the downtown district does not require them. She showed proposed elevations of the buildings and discussed the materials they were committed to. She said the plan puts the emphasis on the pedestrian. She said that this plan meets the Comprehensive Plan as well as the Conditional Zoning requirements.

Nick Williamson said he was a professional engineer and gave his CV. He said he has overseen the engineering. In his opinion the plan meets the requirements of the ordinance, reflects the Comprehensive Plan. The utility connections have been designed to meet the UDO. During the rezoning they submitted a sewer study, and the development plan takes it to the next level. He showed the onsite utilities that tie into existing sewer along N. Main St. The existing Omni Pump Station is partially within DOT right of way and is an older pump station. Along with this project, the Omni Pump Station is being taken off line by the developer and new sewer line will be constructed that dumps into existing sewer outfall which is an 8'' line which will be upfitted to a 12" line which will serve this development and future ones. In his professional opinion the development plan satisfies the criteria of the ordinance.

Council member McGrath asked what fact brought him to the conclusion that the roundabout was not viable. Nate Bouquin traffic engineer, gave his CV. He said that with the ultimate section being 4-lane median divided, 2 lane roundabouts are not desirable or accepted by DOT, and it was thought not to be appropriate. MPT Berry asked if he had driven on Holly Springs Rd. during peak times. Mr. Bouquin said he had. MPT Berry asked if it was his professional opinion that this amount of widening would be sufficient. Mr. Bouquin said that based on the analysis, that is what was deemed sufficient by the TIA, staff review, and DOT review and it is helping construct the ultimate widening. MPT Berry asked if this project was triggering the 4-lane all the way to the intersection. Mr. Bouquin said the existing right turn lane would be widenened all the way to the intersection of Main St. The turn lanes are following the guidelines that DOT has for spacing of intersections on median divided roads.

Mr. Barron asked that the Council take judicial notice of the contents of the UDO, the Comprehensive Plan, and other adopted plans, and accept into evidence the presentation and staff report.

Mr. Larry O'Neil, 412 Trinidad Court, said he has lived here for over 25 years. He said he understands that the developer will clear cut their property and would not save the mature trees on the outer edge of the property. He said he was concerned that the activity would affect the longevity of the trees on the neighboring property. The propsed landscaping is not considered sufficient. He asked the developers if the mature trees can be saved. They will help block the sight, sound, and light from the neighbors. There is wildlife living in these trees and he wishes that they would be preserved for them.

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

Council member McGrath asked if this is still in the Village District. Chris Hills, Director of Development Services, said it is technically in the area, but we will be focusing on the downtown area. Council member McGrath asked staff about the roundabout for the current road. Ms. Jacobs said it is unpractical, although this is still a hot spot and if there comes a time that it should be considered it will be considered again. Council member McGrath said that coming out of the post office you would have to turn right. That is a significant flow of traffic that gets pushed back out. He asked if that was considered in the original TIA. Ms. Jacobs said when they study intersections, they account for the distribution of trips so it would have been considered. Council member McGrath said he didn't see offsite improvements, although there will be offsite impact.

Mr. Williamson said that the right-out only was taken into account for the development, but he does not have the numbers in front of him. He said that is DOT's requirements.

Action 1: Motion to make and accept the Findings of Fact for Development Plan 23-DP-07 found in the Motions and Conditions attachment.

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

Action 2: Motion to approve Development Plan.

Motion by: Forrest

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

26. Voluntary Annexation A23-04 1328 Piney Grove Wilbon Rd.

Aaron Prichard, Development Services, said that this item was to consider the annexation of +/- 6.82 acres along Piney Grove Wilbon Road. He showed the location of the property, contiguous with the Town Limits. He said it had access to potable water and waste water.

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

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

Action: Motion to adopt Annexation Ordinance A23-04 to approve annexation of the property included in the application.

Motion by: Forrest
Second by: Berry
Vote: unanimous
A copy of Annexation Ordinance A23-04 is attached to these minutes.

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: one comment regarding noisy cars
The following public comments were received in person: none.

OTHER BUSINESS

None that required action.

MANAGER'S REPORT

Randy Harrington, Town Manager, said he had 3 items to highlight this evening. Dec 2nd Light the Springs at the Cultural Center begins with a menorah lighting at 5:30 and a tree lighting follows at 7:45. Secondly, he wanted to thank the electorate. We had 24% of registered voters turn out. The next closest municipality was 4 percentage points lower than us. Finally, he thanked Council members McGrath and Wolff for their work over the last four years.

CLOSED SESSION: none.

Adjournment: MPT Berry made a motion to adjourn at 10:24 pm. It was seconded by Council member Forrest and passed with a unanimous vote.

Respectfully Submitted on Tuesday, December 19, 2023.

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