



Town of Holly Springs

Town Council Meeting Agenda Cover Sheet

Agenda Item: 9a

Consent Agenda

Title: Minutes

Strategic Priority Area: Organizational Excellence

Staff Resource: Linda McKinney, Town Clerk

Action(s):

Motion to approve the minutes of the Council's business meeting held February 4, 2020, and the workshop meeting held February 11, 2020.

Explanation:

- Minutes in draft form are attached for the Council's review.
- If there are any corrections, please call the Town Clerk at 919-557-3900 in advance of Tuesday night's meeting so that corrected versions of the draft minutes can be circulated for review before adoption of the Consent Agenda.

Funding Source(s): N/A

Attachment(s):

- Minutes from February 4, 2020.
- Minutes from February 11, 2020.



February 4, 2020

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, February 4, 2020 in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Sears presided, calling the meeting to order at 7 p.m. A quorum was established as the mayor and four council members were present as the meeting opened.

Council Members Present: Mayor Sears, Councilmen Dan Berry, Peter Villadsen, Shaun McGrath and Aaron Wolff. Councilwoman Christine Kelly arrived at 7:42 pm

Council Members Absent: none.

Staff Members Present: 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); Cassie Hack, *Director Communications and Marketing*; Tamara Ward, *Communications and Marketing*; Mark Andrews, *Communications and Marketing*; Mathew Mutter, *IT*; Gina Clapp, *Director of Planning & Zoning*; Melissa Sigmund, *Planning & Zoning*; Sean Ryan, *Planning & Zoning*; LeeAnn Plumer, *Director Parks and Recreation*; Adam Huffman, *Parks and Recreation*; Kendra Parrish, *Director Engineering*; Daniel Colavito, *Engineering*; Rachel Jones, *Engineering*; Bronwyn Bishop, *Engineering*; Irena Krstanovic, *Director of Economic Development*; Seann Byrd, *Director Water Quality*; John Herring, *Chief of Police*; and Leroy Smith, *Fire Chief*.

2. and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Pastor Willie J. Hunter, Jr., of St. Mary's Free Will Baptist Church, Holly Springs.

4. Agenda Adjustment: The February 4, 2020 meeting agenda was adopted with changes, if any, as listed: addition of item 11a South Wake Landfill.

Motion by: Berry

Second by: Villadsen

Vote: Unanimous

5. Public Comment: At this time, an opportunity was provided for members of the audience who had registered to speak to address the Council on any variety of topics not listed on the night's agenda. The following comments were recorded:

Michael Thompson, 117 Occidental Drive, said his property abuts the property at 851 S. Main Street. He showed a short video about where the stream bed begins. He requested that the Council table the approval of the tree removal. He said that he believes that the State has not given its approval to the stream buffer protection.

6a. Oath of Office: Thomas Urquhart, Planning Board

Mayor Sears introduced Thomas Urquhart as newly appointed in-town member of the Planning Board. Linda McKinney, Town Clerk, administered the Oath of Office to Mr. Urquhart.

6b. Mayor's Youth Advisory Board Young Entrepreneurs

Serkute Abebe and Chloe Gee of the Mayor's Youth Advisory Board gave a presentation on their proposal to host a Youth Entrepreneur Competition in Holly Springs. They are students at Apex Friendship High School. They discussed the DECA (Distributive Education Clubs of America) organization and how they wanted to base their competition on similar lines, but make it open to those not in DECA. They gave examples of youth in DECA who have opened successful businesses. They would like a contest / seminar that would give these benefits to students who are not members of DECA. Contest Day would include a career fair and/or seminar to bring more people to the event. They said that they are seeking Council's assistance with mass promotion, venues, and financial support.

7a. Wake County Tax Revaluation Process

Randy Harrington, Town Manager, introduced Marcus Kinrade, Wake County Tax Assessor. Mr. Kinrade said that the reappraisal is the process of updating Wake County's real property values to reflect fair market value as of January 1, 2020. This was last conducted four years ago with an effective date of January 1, 2016. Wake County transitioned from an 8-year to a 4-year cycle in the spring of 2016. By law counties must reappraise real property at least once every 8 years to reestablish the fairness of the tax burden, as different properties change in value at different rates by location and property type. He outlined the steps the County Tax office takes to evaluate real estate values, and discussed the reappraisal results as they apply to Holly Springs. He outlined how he has cut expenses in the County tax office by bringing in fewer contract staff. He showed how his office charges the Town less for every dollar brought in for the town than the DMV charges. He showed that reappraising more often makes for less "sticker shock" among property owners and fewer appeals. He said the biggest value increase in housing is for parcels at the \$250,000 and less strata, because those houses are more in demand, and high demand raises value.

Mr. Kinrade discussed programs that were available for NC Property Tax Relief for the elderly, disabled, or veterans that meet a specific income threshold. He said that applications for these programs were due by June 1st. He outlined the timeline for review hearings and appeals, and said that the fiscal year 2021 tax rate will be set in June, after the hearings in April. He said that there was a new tool on their website that people can use to estimate their property tax bill. Councilman Berry asked if the County was going to put out talking points to help elected officials help tax payers understand what a revenue neutral appraisal does, and how they can understand their potential tax bill. Mr. Kinrade said that if someone's value changed roughly 20%, they should see minimal to no change in their tax liability, assuming the County adopts the revenue neutral tax rate. If the value change is over 20% the tax liability could go up, and if it is below 20% liability could go down.

Mr. Harrington thanked Mr. Kinrade for his work and for an excellent presentation. He also said that the county web page does shows a revenue neutral tax rate – that the County's overall tax revenue would go neither up nor down. But that the final rate, after the budget process and the tax office's work, could change and the final rate will be decided as part of the budget process.

At this point Councilwoman Kelly arrived.

Action: Motion to admit Councilwoman Kelly to the meeting.

Motion by: Berry

Second by: Wolff

Vote: Unanimous

7b. Census 2020 Outreach Update

Gina Clapp, Director of Planning and Zoning, said she was before Council to explain the importance of the Census to the town.

This is important to Holly Springs, because it is a count of everyone who is living in the United State, citizens or not, who are here for any reason on April 1, 2020. The results of the Census will have ten years of impact on Holly Springs, including federal state and local funding, representation in Congress, and decisions of business on whether to locate here. The Census is safe and private. This Census can be completed online, by phone, on paper, or in person. Census workers are sworn to confidentiality – it is safe to answer. North Carolina’s population has grown and could possibly get a new seat in congress based on this count. She said that if you do not answer the Census by June 1st, the enumerators will begin knocking on doors.

Cassie Hack said that the Census outreach is in four parts: Spread the Word; Community Partners; Outreach to Traditionally Undercounted; and Community Events. Staff began spreading the word last April with the launch of the Census2020 web site and other means. Community Partners have been engaged to help spread the word to residents and there will be a meeting with these leaders next week. Staff has made a big effort to reach out to the traditionally undercounted groups. The MLK Committee is assisting in this endeavor, as are the Food Cupboard and churches around town. Because people will be able to complete the Census online, staff has outfitted the Economic Development trailer to take the Census to the people, who can fill out their Census forms at computers in the trailer. April 1st is Census Day. There will be a day-long event where staff will provide Spanish speakers, and handouts and educational materials to assist in completing the Census.

Councilman McGrath said that the Census was discussed at Triangle J and the importance of getting an accurate count and how much money is distributed cannot be underestimated. He also said that the local Census is hiring, and that there are specific times when the homeless will be counted, so anyone interested can contact the Census. Councilwoman Kelly said she would like to volunteer to help with the count.

7c. Community Park Land Purchase

LeeAnn Plumer, Director of Parks and Recreation, said that the purpose of this agenda item was to inform the public of a land purchase of 55.9 acres for a new park located west of Highway 55, and for Council to ratify in open session the sales contract they approved in closed session on December 17, 2019. She said that the park supports the strategic priority of Engaged, Healthy, and Active Community, and responds to residents’ requests for a park on this side of town. The land is located on Cass Holt Road, across from Holly Springs High School. It features large flat open fields with tree-lined perimeter; a small irrigation pond; and a house and large workshop/garage. She showed to aerial views of the property.

Ms. Plumer said that next steps would be to retain a consultant to begin the park master plan process, and seek public input to identify amenities to be implemented within budgeted phases over the coming years.

Action: Motion to ratify sales contract for the land purchase approved in closed session on December 17, 2019, for the acquisition of 55.9 acres of land at 5401 and 5420 Cass Holt Road for \$3.8 million.

Motion by: Wolff

Second by: Kelly

Vote: Unanimous

Randy Harrington thanked LeeAnn Plumer and her team, Daniel Weeks, and John Schifano for working with the family, and also the family for working to make this happen. Councilman Wolff also recognized the previous council for the work they did on this project.

8a. Public Hearing: 19-REZ-06 Regency at Holly Springs Conditional Use Rezoning

Melissa Sigmund, Planning & Zoning, said that application for rezoning has been received. The surrounding properties are zoned for residential uses and those that are

developed or have approved plans are for single-family residential subdivisions. The site is generally located south of Holly Springs/New Hill Road, west of Green Oaks Parkway. To the east of the site, the Trinity Creek subdivision comprised of single family residences is currently under construction. Per the Engineering Design and Construction Standards, the Regency subdivision will be required to connect to the approved road stub from Trinity Creek, located directly to the east. It is currently zoned R30 and they are seeking to rezone to R10 CU. The proposed rezoning with conditions would allow a maximum of 2.1 dwelling units per acre, limited to single-family residences and associated amenities. This is in keeping with the surrounding developments. The Petitioner has offered the following conditions.

The requested zoning map change, with the applicant's offered conditions, is consistent with the Vision Holly Springs Comprehensive Plan and Future Land Use Map designation of Mixed Residential Neighborhood. The requested R10 CU district would allow for the development of the property for a residential neighborhood that provides a range of home choices and provides additional housing options, consistent with recommendations of the comprehensive plan. The Petitioner has offered a condition that specifies age-restrictions for a 55+ community. Conditions such as this are not enforceable or verified by the Town. She said that Development Options conditions have become more common because the UDO is being updated, this allows them to memorialize the options.

Petitioner Offered Conditions:

- 1) The Town requires certain fees to be paid upon development of land and for the granting of a building permit. Said fees are listed in the Town's annual budget, and with this rezoning the Developer agrees he/she (i) is familiar with these fees, (ii) does not dispute the reasonableness of these fees as set forth in the Town's annual budget; and (iii) notwithstanding any reimbursements discussed at this time through an Infrastructure Reimbursement Agreement, hereby agrees to timely pay all normal and customary fees applicable to Developer in connection with the Residential Project. Such fees are listed in the current year annual budget of fees at the time the fee is due under the ordinary course of development.
- 2) The Town requires, pursuant to N.C.G.S. § 160A-372, the dedication and construction of streets and rights of way, as shown in the approved Comprehensive Transportation Plan (CTP) and the approved Transportation Impact Analysis (TIA), to create conditions essential to public health, safety, and the general welfare. A rezoning may be delayed until such time as necessary transportation improvements (to include offsite improvements) may be made, unless the Town and the Developer can enter into agreements to accelerate the time for completion of these needed improvements.
 - A. The Developer hereby agrees to pay a fee-in-lieu proportionate to the project impact at the intersection of New Hill Road and Old Holly Springs Apex Road toward the realignment identified in the *Holly Springs CTP*.
 - B. The Developer hereby agrees to pay a fee-in-lieu proportionate to the project impact at the intersection of Green Oaks Parkway and Holly Springs New Hill Road toward the future traffic signal at this intersection.
- 3) All internal neighborhood streets shall feature sidewalks on both sides.
- 4) Permitted uses shall be limited to single-family dwellings.
- 5) The use of vinyl-siding shall be prohibited, except for accent elements of the façade, limited to twenty (20) percent of the total façade area.
- 6) Dwelling units containing a front-loaded garage must provide decorative or carriage style garage doors or a decorative garage opening.

- 7) The proposed subdivision shall have a maximum permitted density of 2.10 dwellings units per acre.
- 8) All private yards within the subdivision shall be maintained by the Homeowners' Association. These services include but are not limited to: mowing as well as debris blowing services.
- 9) The proposed subdivision will feature several active amenity types including: walking trails, pocket parks, as well as a sport/game court.
- 10) A minimum of 2,640 LF of private walking trails shall be built at the developer's expense. These walking trails shall be eight (8) feet in width.
- 11) In order to create a diverse neighborhood, there will be a minimum of two housing collections offered. Housing collection 'A' shall consist of a min. of 39' dwelling width with a base house square footage range between 1,500 – 2,300 SF. At least 30% of the homes will be built from Housing Collection 'A'. Housing Collection 'B' shall consist of a minimum of 49' dwelling with a base house square footage range between 2,100 – 3,500 SF. At least 30% of the homes will be built from Housing Collection 'B'.
- 12) All dwellings shall be limited to age-restricted with associated amenities and are intended to consist of ranch style homes. A Declaration of Covenants, Conditions, and Restrictions ("Declaration") providing that at least eighty percent (80%) of all occupied units shall have as a resident at least one person age 55 or older ("age restriction") shall be recorded with the applicable Register of Deeds Office. Any recession or modification of the covenants regarding age restriction shall have approval of the town.

Prior to applying for any building permits, an opinion letter from an attorney licensed to practice in North Carolina shall be provided to the Town stating that the age restriction was drafted in a form that the attorney, in the exercise of customary professional diligence, would reasonably recognize as compliant with the Fair Housing Act 42 U.S.C Sec. 3601, et. seq., and the North Carolina State Fair Housing Act, N.C. Gen. Stat. 41A-1, et seq.

- 13) All garage doors shall be limited to a maximum of 50% of the linear length of the ground floor.
- 14) The proposed subdivision associated with this rezoning will be served by public sewer. The developer acknowledges that a pump station will be required to serve a portion of this future subdivision. The developer will be required to submit a pump station development plan which shall be designed and constructed to meet or exceed Town of Holly Springs standards. The entire cost of the design and construction of the pump station will be the responsibility of the developer of the proposed subdivision when developed.

Rachel Jones, Engineering, said that with this rezoning any development will be required to connect to utilities. There is a watermain on Holly Springs New Hill Road and the developer would connect to that. Additionally the developer has committed to the financial responsibility for a sewer study and that they would be responsible for completing those improvements.

A TIA was completed. The development will have fee in lieu for a signal at Green Oaks Parkway, the realignment of Holly Springs New Hill Road, and thoroughfare widening along Holly Springs New Hill Road. At time of development staff will look at pedestrian crossings and connectivity.

Chris Deshazor, Planning Board said the Planning Board discussed the following issues and concerns on 12/18/2019:

- Timeline for transportation improvements such as the traffic signal along Holly Springs New Hill Road.
- How age-restriction of the development would be handled:
 - The applicant indicated that the Covenants, Conditions, and Restrictions (CC&Rs) recorded for the neighborhood would include language for this restriction, which is further regulated by the federal government in terms of what may be included.
- Maximum number of units allowed:
 - At 2.10 units per acre as limited by the zoning conditions, up to 250 units could be built at maximum density
- Considerations for ADA design:
 - The applicant indicated that accessibility considerations such as reducing steps, creating open floor plans, increasing door width, etc. are part of the home designs to increase accessibility.

Planning Board Recommendation:

The Planning Board recommended approval (6-1-1)

Those voting against the motion were:

- Mr. Madoni – would prefer more restrictions to be included in the covenants regarding the age-restrictions of residents.

Laura Holloman, Spaulding Group, thanked Melissa and Rachel for their assistance. She showed the property on the Future Land Use Map, where it was designated Mixed Residential Neighborhood. The re:Vision conditions using a variety of home choices and an emphasis on active public space. She said that being harmonious with the surrounding development and the undeveloped Duke Energy land was a priority, and they wanted to reach a niche market that would give Holly Springs a subdivision it does not currently have. They propose to provide more amenities than are required, including walking trails, pocket parks, and sports courts, to provide more active public spaces and gathering areas.

Jeff Hochanadel with Timmons, said they completed the traffic study for the development, and they did not consider it as an age-restricted community. The difference is that age restricted communities have 40% less traffic than a non-restricted community, so the actual impact should be less than the TIA suggests.

Laura Spaulding said that there was a neighborhood meeting in the fall, and there were also some phone calls from Trinity Creek residents who were not able to attend. They were asking what type of housing was proposed and they liked the idea of it being age restricted. The management group for Trinity Group agreed that this would be harmonious with their neighborhood and said that they were excited to see this coming.

There was discussion regarding the possibility of having smaller homes in the mix. Staff said that the Development Option Standards require the garage not be more than 40% of the façade. That requirement can be met by having a side or rear entrance garage, but that those types might not meet the developer's needs.

Tree protection requirements were discussed with Councilman Wolff pointing out that there was a discrepancy from one part of the application to another. Ms. Holloman said that they will be well above the minimum requirement of tree preservation in a residential neighborhood because of the unique topographic conditions.

Councilman Wolff asked if there were any plans with Parks and Recreation about connecting greenways to Trinity Creek. Mr. Harrington said that staff did review that area and there is not a specific greenway. There is a buffer but not a greenway. LeeAnn Plumer, Director of Parks and Recreation said staff has not gotten into any greenway assessment because this is at the rezoning phase.

Councilman McGrath expressed the hope that as the Town continues to spread out to the west, fees in lieu for road improvements will be considered, because US1 and Friendship Road are becoming western access points to the Town.

Councilman Berry asked how they intend to enforce the age restriction. Ms. Holloman said they would do it by deed restriction which allows it to be enforceable in Court which gives it more power and punch.

With that explanation completed, Mayor Sears opened the public hearing. The following input was recorded: none.

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

Action 1: Motion to adopt Plan Consistency Statement.

Motion by: Villadsen

Second by: Berry

Vote: Unanimous

Action 2: Motion to adopt Rezoning Ordinance 20-REZ-01 to approve the rezoning from R-30: Residential to R-10 CU: Residential Conditional Use with the Petitioner's Offered Conditions as attached.

Motion by: Berry

Second by: Wolff

Vote: Unanimous

9. Consent Agenda

The Council approved a motion to approve all items on the Consent Agenda. The motion carried following a motion by Councilman Berry, a second by Councilman Kelly and a unanimous vote. The following actions were affected:

9a. Minutes – The Council approved minutes of the Council business meeting held January 21, 2020.

9b. Annexation A19-05 Resolution of Sufficiency – The Council adopted Resolution 20-02 directing the Clerk to investigate the sufficiency of annexation petition A19-05. *A copy of Resolution 20-02 is attached to these minutes.*

9c. Watershed Management Plan Phase II – The Council approved a motion to award a contract to Freese and Nichols, Inc. in amount of \$70,000 to perform Watershed assessment and Watershed management plan services for Middle Creek and Shearon Harris Lake Watersheds in Holly Springs.

NEW BUSINESS

10a. 19-DP-21 851 S. Main St. Tree Removal Plan

Sean Ryan, Planning and Zoning, said that the purpose of this item is to approve, deny, or table the removal of 25 trees on the property at 851 S. Main Street. The Town Council adopted UDO Section 7.01 J. Required Tree Preservation on July 17, 2018. This amendment exempted projects in the Village District Area from tree preservation area, except that any tree twenty (20) inches or greater Diameter at Breast Height (DBH) must be approved by the Town Council or their designee. A Development Plan was submitted on October 18, 2019 (file #19-DP-21). The

Development Plan qualifies for review and approval by the Director of Planning & Zoning. The parcel was zoned C-1 in 1995, which subsequently became CB: Community Business in 2002 with the adoption of the UDO in 2002.

He said that when part of development is within the Village District Area Plan boundaries, Unified Development Ordinance (UDO) Section 7.01 J, Required Tree Preservation requires that the removal of any tree twenty (20) inches or greater diameter at breast height (DBH) must be approved by the Town Council or their designee. The applicant is proposing a 3-story, 19,143 square foot office building. The project is less than 20,000 square feet in gross floor area and is being reviewed for potential approval administratively. Administrative action on the proposed Development Plan cannot be granted unless the Town Council authorizes the removal of any trees greater than twenty (20) inches or greater diameter at breast height (DBH). The proposed plan indicates that 25 (53%) of 47 trees that are 20 inches or greater are proposed to be removed as indicated on the attached map. The Planning Board does not review or make recommendations on tree removal. He showed the proposed trees to be removed, and the ones that would remain on a map. There is a 20 foot buffer yard between the property and the next property.

If the approval is received, the trees will not come down immediately, but this approval would be required before development plans could be approved, then construction drawings would need to be approved, and then the trees could be removed.

Daniel Colavito, Engineering, said that many of the things Mr. Thompson said were accurate. The origin of the stream is shown going up into the watershed. But the stream protection plan is drawn from maps of records and often you see the origin point move. The origin point is defined by many factors, not just stream diameter. North Carolina Department of Environmental Quality (NCDEQ) and the Army Corps of Engineers would determine the wetland designation. They would also consider whether there would be undue hardship to the property owner by such a designation. There are many factors the Corps considers, but they typically do not look at flowing water as a factor because that varies depending on rainfall, etc. NCDEQ and Corps of Engineers do not usually provide the concurrence until the developer submits their design.

There was further discussion clarifying that no trees would be removed until the Corps of Engineers and NCDEQ approve the wetland impact, but that could not happen until a development plan is submitted. No development plan can be submitted until Council agrees to allow the removal of the trees, conditional on NCDEQ's and the Corps of Engineers' findings.

Jason Barron, Morningstar Law Group, spoke representing the applicant. He spoke about the property being a transition from the seven story hospital which is being built to the residential area. He said the property has been zoned nonresidential since 1995 and that every property which abuts this one has changed hands since the nonresidential use was established. He said the proposed building is as close as possible to Main Street to move it further away from the residential area and the stream, with the majority of the parking beside and behind the building. He said the vast majority of the trees his client is proposing to remove are pines and sweet gums, which are not considered champion trees. And he pointed out that his client is increasing the size of the sidewalk to eight feet and all the right of way that is needed is already there.

Mr. Barron said the Army Corps of Engineers has been on the site. At a site visit, they confirmed the extent of the regulatory buffer, when that time comes. Where the stream starts and stops will ultimately be determined at the time of development approval. They will not know where that actually is until after the construction drawing phase is approved.

Bill Brian, Morningstar Law Firm, represents Mr. Stevens who is the owner of the property. He referenced the letter he sent Council raising legal points of concern to the property owner. One of those points is that, if you turn this request down, Mr. Stevens will be backed into a corner and will be forced into litigation. This is a commercial zoned property, it is covered with these trees. The property cannot be developed unless the trees are removed. There would have been more property to work with if the Town hadn't taken land to widen Main Street. If Mr. Stevens is left with no ability to develop the property, you are basically taking his property. We would like to encourage the Town to approve this development, which will increase the nonresidential tax base, improve the

downtown, and bring a valuable project to Town. This will not adversely affect the environment because of the buffer. He respectfully requested that Council approve this.

Mr. Barron showed proposed elevations and said this was a good project for this location. He showed a map that showed that if tree removal was not approved it would leave 17% of the property to be developed, which is not viable. He requested the approval.

Council discussed the fact that the project was 857 square feet below the size required for the plans to come before Council, and whether they wanted to revisit that requirement in the Village District in future. There was further discussion regarding communication between the developer and the neighborhood. Councilwoman Kelly asked the developer to meet with the neighbors

Action: Motion to approve removal of 25 qualifying trees for 851 S. Main Street, with the following conditions:

1. This approval shall only apply to Development Plan 19-DP-21
2. This project shall be subject to all required environmental permits
3. This project is subject to the applicant adding additional screening to the eastern boundary of the project where applicable and permissible by the environmental permits.

Motion by: Berry

Second by: McGrath

Vote: Yea – Berry, McGrath, Wolf, Villadsen
Nay - Kelly

11. OTHER BUSINESS

The Mayor spoke about crosswalk safety and speeding. He said he went to Holly Springs Elementary and Daniel Colavito prepared a presentation for the 5th graders on storm water protection that was excellently done.

Councilman Wolff said that people have been contacting Council about sidewalks on Avent Ferry Rd. connecting the new park to Braxton Village and Holly Glenn. There is a lot of pedestrian traffic on Avent Ferry and no pedestrian way past the first entrance to Holly Glen. He would like SROs to communicate to students to walk inside the subdivision instead of on Avent Ferry Road.

Councilwoman Kelly said she wants to talk about having projects under 20,000 square feet in the Village District to come before Council for approval, because she doesn't think residents are being represented. Mr. Harrington said he thought that would be a conversation to have in a workshop and it could be a broader discussion than just the Village District. Staff can bring that back to Council. Councilwoman Kelly also said that February is Black History Month and there is a program with three films, free to the community, at the Cultural Center. Feb 7th will be *Glory Road* and she will buy popcorn for anyone who wants to come to the movies. The ML King events in January were good but could have used more people.

Councilman McGrath asked if there was an opportunity to get more information out to residents around the large swath of clear cutting going on because NCDOT was late getting information out to residents. He would like everyone to help with getting that communication out.

11a. South Wake Landfill

Randy Harrington, Town Manager said that Council had asked for a discussion of the landfill malodor issues. He said that the County Manager and the management of GFL and the South Wake Landfill understand the malodor problem and care about trying to ameliorate it.

He gave an update on recent and upcoming engagements and activities concerning the South Wake Landfill. In September 2019 the Town Council held a public meeting with Oak Hall and Arbor Creek residents and representatives from Wake County (staff and Commissioner Calabria), State representatives, and GFL Environmental. From November to the present Wake County and GFL Environmental have been finalizing development of an improved odor reporting form and odor monitoring equipment; pilot testing of a foam cover material on landfill refuse (desired results not

achieved); and other refuse cover methods and operational practices are under exploration by Wake County and GFL Environmental. They have a few other options that they are rolling out since the foam did not work.

He said there has been regular engagement by Town elected leaders and Town management to share mal-odor concerns and monitor County and GFL Environmental efforts. The Wake County Board of County Commissions plan to review landfill mal-odors at their March 16 Workshop.

Mr. Harrington said that there are several potential actions/considerations the Mayor and Council could take.

1. Adopt a resolution formalizing the governing body's concerns and requested actions

a. Potential resolution statements:

i. Town understands that mal-odors can occur occasionally in the operation of a landfill, but the frequency and intensity of mal-odors over the past year or so has become excessive and detrimental to the enjoyment and well-being of the Holly Springs community. Mal-odors are experienced well beyond a ½ mile radius of the landfill.

ii. The close proximity of the landfill to one of the County's fastest growing communities requires a unique level of management, oversight, and innovative operational practices to address odor concerns.

iii. Request that Wake County – with GFL Environmental – increase efforts and investments to identify innovative landfill management practices and equipment that will significantly reduce mal-odors in the short-term.

iv. Request that Wake County initiate a landfill waste plan review to assess alternate waste disposal/elimination methods at the landfill, including exploration of early closure of the landfill and alternate disposal site(s) for the region's solid waste.

v. Note: If Council desires not to pursue a resolution at this time, the Council could consider providing direction to the Town Manager on a formal "manager to manager" communication outlining the Town's interests and desires.

2. Engage Wake County elected officials and management to conduct a follow up community meeting(s) in Holly Springs to update the community on current efforts, hear from residents and businesses, and share what steps the County and GFL Environmental are working on.

3. Request more frequent monthly communications from Wake County to Holly Springs elected officials and residents informing on activities and efforts to reduce mal-odors (this request has already been made verbally to the Wake County Solid Waste Management Director)

Council discussed the pros and cons of the various approaches to the problem, and expressed frustration that the problem is continuing. There was a desire expressed to form a two person committee to engage with the Board of Commissioners on this issue. Staff was requested to bring a sample of a potential Resolution as well as a sample of a manager to manager letter to Council's workshop meeting for further discussion.

12. MANAGER'S REPORT

Randy Harrington, Town Manager, said he wants to recognize staff. The Town recently got a certificate from the Holly Springs Food Cupboard recognizing us for collecting 1,300.7 pounds of food for the Food Cupboard. Second, on Feb 21 and 22 we will be at Mid Pines for the annual retreat. On Friday morning we will talk about housing affordability. On Friday afternoon we will discuss the strategic plan and how we are progressing with it, and whether Council wants to make any adjustments. There will also be a conversation about storm water and a consultant will come in. On Saturday there will be an update on transportation bonds, and the Parks & Recreation master plan; a consultant will come in and get Council's feedback. There was some conversation about discussing Ting, but the agenda is pretty full, so he suggested that topic get moved to a Workshop. Finally, he wanted to recognize Councilmen McGrath and Wolff, for attending the Essentials of Municipal Government class, and for the work that they did that day.

Councilman Wolff said Holly Springs was the largest municipality represented at the class. He said that they did not learn any new information because they had been well prepared by staff. And he appreciates how staff has incorporated best practices into daily activities.

13. Closed Session: The Council entered into closed session, pursuant to N.C.G.S. 143-318.11(a)(6) to discuss the evaluation of the Town Clerk and the Town Attorney.

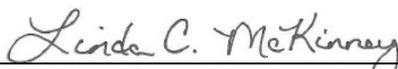
Motion by: Berry
Second by: McGrath
Vote: Unanimous

The Council discussed the process and evaluation of the Town Attorney and the Town Clerk.

Taking no further action, Councilman Berry made a motion to return to open session, which was seconded by Councilman McGrath, and passed with a unanimous vote.

14. Adjournment: Councilman Berry made a motion to adjourn at 11:50 pm. It was seconded by Councilman McGrath.

Respectfully Submitted on Tuesday, February 18, 2020.



Linda C. McKinney, Town Clerk

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



MINUTES

The Holly Springs Town Council met in a workshop session on Tuesday, February 11, 2020 in the Holleman Room of Holly Springs Town Hall, 128 S. Main Street. Mayor Sears presided, calling the meeting to order at 6:00 p.m. A quorum was established as the mayor and five council members were present.

Council Members Present: Mayor Sears, Councilmen Dan Berry, Peter Villadsen, Shaun McGrath, and Aaron Wolff, and Councilwoman Christine Kelly.

Council Members Absent: none

Staff Members Present: Daniel Weeks, Assistant Town Manager; Scott Chase, Assistant Town Manager; Linda McKinney, Town Clerk (recording the minutes); Kathy White, Deputy Town Clerk; Paul Allen, Assistant Town Attorney; Cassie Hack, Director Communications and Marketing; Patty Dressen, Finance; Sean Ryan, Planning & Zoning; Gina Clapp, Director of Planning and Zoning; Kendra Parrish, Director of Engineering; Daniel Colavito, Engineering; LeeAnn Plumer, Director, Parks and Recreation; Matt Beard, Parks and Recreation.

2. Workshop Overview

Staff Resource: Daniel Weeks, Assistant Town Manager

Mr. Weeks gave an overview of the items on the agenda and announced that the meeting was being audio recorded for the benefit of Randy Harrington, Town Manager, who was out of town.

3. Sustainability

Staff Resource: Matt Beard, Parks and Recreation

Matt Beard, Parks and Recreation, said that the purpose of this agenda item was to update Council on Strategic Plan Initiative 3 regarding Sustainability, and get feedback from Council on defining the term “sustainability” and setting sustainability goals. He offered as a possible definition “focusing on meeting the needs of the present without compromising the ability of future generations to meet their needs.” He said the concept of sustainability is composed of three pillars: economic, environmental, and social. He said that it is important because waste reduction has both economic and environmental benefits; mitigation of environmental impacts during development and construction has long-term effects on water quality and other environmental concerns; and there is a social responsibility aspect to it. He then described different ways that sustainability can be measured.

Mr. Beard then outlined what the Town has done already towards this goal and what others in the area are doing. He offered some suggestions of what we can do next, including providing provisions/incentives for green/sustainable development in the UDO and Design Standards; reducing waste from Town facilities; setting an example by making sure all new Town facilities meet green building standards, like LEED; and utilizing principals of the Sustainable Sites Initiative in Town park design and greenway development. He outlined some challenges, including cost, current design standards, and the need for public education and community buy-in. He reminded the audience of what Strategic Plan Goal #3 under Responsible and Balanced Growth calls for. He then asked Council to discuss what sustainability means to them, particularly in regards to this initiative.

Council discussed the different things that sustainability could mean, and which of these have financial costs and which require community buy-in. They discussed the possibility of a staff position around sustainability, the timeframe in which that could/should be done, and what the best way to order the implementation of various possibilities would be. Council also discussed creating an environmental review committee to get active members of the community to create buy-in, and to pursue activities other than tree preservation, and what that committee or board could look like. Council agreed to email their individual definitions of sustainability to Administration.

Council also came to a consensus to allow Simple Recycling to make a presentation at a future Council meeting.

4. Stream Buffers and Tree Preservation

Staff Resource: Daniel Colavito, Engineering and Sean Ryan, Planning & Zoning

Daniel Colavito said that this presentation ties back to Strategic Priority Responsible and Balanced Growth. He asked that specific legal questions be reserved for a closed session at a future time. He said that Forestry, Timbering, and Tree Preservation differ, but the only one defined in state law, is Forestry, and they must be according to a forestry plan, per state law. Timbering is the preservation of trees and natural areas in accordance with the standards of the UDO, prior to the development of land. We typically see that on older parcels, where people want to maximize the return on their land, selling trees and then selling the land to a developer. The more usual process is the tree preservation plan.

Sean Ryan said the Tree Preservation Ordinance was adopted in July of 2018 to protect the natural character of Holly Springs, preserve the forest canopy, promote the preservation of natural open space, protect native plant and animal species, and reduce the environmental and visual impacts of development. It established a tree protection area as a percentage of the site area, with multiple pathways to compliance. The priority areas for tree preservation have been specimen tree preservation and significant tree stands. Specimen trees are defined as those over 30 inches Diameter at Breast Height (DBH) for pine species, or over 24 inches DBH for non-pine species. Additionally Flowering Dogwood and Eastern Redbud at 3" DBH and Longleaf Pine at 12" DBH are considered specimen trees. Significant Tree Stands are defined as a minimum 25% of the trees are hardwoods over 20 years old or 10" DBH, and a minimum 10,000 sq. ft. continuous canopy area.

Lower in priority are Supplemental Undisturbed Perimeter Landscape Yards and Natural Resource Areas. Supplemental Undisturbed Perimeter Landscape Yards are defined as a minimum 25% of trees that are hardwoods and only areas beyond the required perimeter yard are counted. Significant Natural Resource Areas are otherwise protected wetland/stream buffer areas, endangered species habitat and ponds. He said that the Village District has special requirements. Projects in the Village District are exempt from the percentage requirement and all trees over 20" DBH must be identified and can only be removed with the consent of the Town Council.

He outlined two areas in which the Tree Ordinance is working well: tree preservation is being provided with all developments, and tree surveys are providing the town with knowledge of existing tree canopy and specimen trees on site. There are, however, opportunities for improvement. Sometimes lower priority areas are being preserved over higher priority areas. Some forested areas cannot meet the 25% hardwood requirement. Some properties do not have the required percentage of tree cover to begin with. And additional qualified development inspection staff is needed for property inspections and enforcement.

Mr. Colavito said that the NC Department of Environmental Quality regulates a 50 foot zoned buffer in the Neuse River Basin as the Neuse is considered a nutrient sensitive watershed. All other buffers in Town are regulated as part of the Town's UDO and written into the Stormwater Management Plan, which is used to maintain compliance with the Town-wide NPDES Phase II

Permit. Buffers have different requirements, depending upon the river basin/sub-basin. For the most part in Holly Springs properties west of 55 are in the Cape Fear watershed, and east of 55 are in the Neuse River Basin. He then showed the various requirements for the Neuse River Basin, NRB Bass Lake Undisturbed and Cape Fear Basin. Mr. Colavito said that there is the potential that the Cape Fear may be declared a nutrient sensitive zone in the future, because the NCDEQ is studying it.

Wetland areas are regulated by the US Army Corps of Engineers (USACE) and must be preserved as permitted, but there is no buffer requirement. They may be impacted to some extent through proper permitting. There is an overlap in tree preservation requirements and environmentally protected areas, and environmentally protected areas may account for required tree preservation areas at 100% credit.

Councilman McGrath asked why there is a larger buffer on the Neuse River Basin. Mr. Colavito said that he was told it was due to an agreement with the Clean Water Trust Fund after Hurricane Fran, but he could not find documentation for a quality justification for that width.

5. South Wake Landfill

Staff Resource: Daniel Weeks, Administration

Daniel Weeks, Assistant Town Manager, presented Council with draft examples of a possible Resolution on the South Wake Landfill mal-odor issue, and a sample of a manager-to-manager letter that could be a way forward to dealing with the mal-odor issue. He also presented ideas regarding the formation of a two-member committee of Council to communicate with South Wake Landfill management and Wake County elected officials regarding the landfill. He asked Council for their thoughts on which approach would be more effective, or any major wording changes that are needed to either the Resolution or the letter.

Council discussed the differing tones of the Resolution and the letter, and which would be most likely to achieve their goal of getting the County to act on correcting the mal-odor from the landfill. The consensus was to adopt a Resolution at their next Business Meeting on February 18th, but to amend the sample Resolution to include language regarding the investment the Town has made in the wastewater treatment plant, given the letter from John Robertson that tried to place the source of the odor as coming from that plant. They left the matter of a manager to manager letter to the discretion of the Town Manager.

They also discussed the best way to get the message out to residents that they were taking action, and requested talking points from Communications and Marketing to help communicate that message clearly.

Mr. Weeks asked if the Council wanted to entertain creating a committee to facilitate communications with the County. There was discussion of what the committee would do and whether it should be formed now or wait to see what the Wake County Commissioners do. There was consensus to create a committee, but a desire to establish clear guidelines about what the committee was to accomplish and how it would report back to Council. Councilman Wolff suggested that each member submit their ideas for the committee to Randy for consideration, and Council agreed.

6. Open discussion:

Scott Chase, Assistant Town Manager, asked Council to send their thoughts and questions about affordable housing to him prior to the annual retreat, for consideration by the consultant. Mr. Weeks said that ABC 11 had contacted Town staff regarding the landfill and what developments had been approved since the landfill opened, and he wanted Council to be aware that something might be appearing in the media.

7. Closed Session: The Council entered into closed session, pursuant to N.C.G.S. 143-318.11(a)(6) to discuss the evaluation of the Town Clerk.

Motion by: Berry

Second by: McGrath

Vote: Unanimous

Motion to award a 4% merit increase to the Town Clerk, effective March 1, 2020.

Motion by: Berry

Second by: Kelly

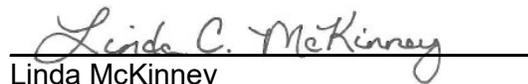
Vote: Unanimous

Motion was made by Councilwoman Kelly to return to open session, which was seconded by Councilman Wolff, and passed with a unanimous vote.

Mayor Sears discussed some potential ideas for increasing the structure of the Council Business Meetings around time management. The Council discussed and took no action, but will follow up with the Town Manager about possible changes.

8. Adjournment: Motion to adjourn was made by Councilman Villadsen, second by Councilman McGrath, and passed with a unanimous vote. The February 11, 2020 workshop meeting of the Holly Springs Town Council was adjourned at 9:01 pm.

Respectfully Submitted on Tuesday, February 18, 2020.


Linda McKinney
Town Clerk