



April 2, 2019

## MINUTES

The Holly Springs Town Council met in regular session on Tuesday, April 2, 2019 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 five council members were present as the meeting opened.

**Council Members Present:** Mayor Sears, Councilmen Tom O'Brien, Dan Berry, and Peter Villadsen and Councilwomen Cheri Lee and Christine Kelly.

**Council Members Absent:** None.

**Planning Board Members Present:** Michael Andreas, Mark Brady, Ernie Carpico, Van Crandall, Chris Deshazor, Rick Madoni, Shaun McGrath, and Tom McKay.

**Staff Members Present:** Randy Harrington, Town Manager; Scott Chase, Assistant Town Manager; John Schifano, Town Attorney; Linda McKinney, Town Clerk (recording the minutes); Latisha Butler, Deputy Town Clerk; Gina Clapp, Director of Planning and Zoning; Sean Ryan, Planning; Beth Trautz, Planning; Matt Beard, Planning; Kendra Parish, Director of Engineering; Melissa Sigmund, Planning; Rachel Jones, Engineering; LeeAnn Plumer, Parks and Recreation Director; Mark Andrews, Public Information Officer; Tamara Ward, Interim Director, Communications and Marketing; Irena Krstanovic, Director Economic Development; Leroy Smith, Fire Chief; John Herring, Chief of Police; Mary Hogan, Director of Finance.

**Tree Committee Members Present:** Rachel Woods, Gary Claiborne, and Katherine Penton.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Pastor Jim Littleton of Holly Springs United Methodist Church.

**4. Agenda Adjustment:** The April 2, 2019 meeting agenda was adopted with changes, if any, as listed: none.

**Motion by:** O'Brien

**Second by:** Berry

**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:

Donnie Wilson from Holly Springs United Methodist Church, spoke representing Holly Springs UMC on behalf of the beautification committee. He requested a waiver of a building trade permit to build a garden with benches in front of the church. It would add beauty to the church, but also to the community in general. Holly Springs UMC just turned 100 years old. It will be a gathering place, between the public parking and the Mims House. He said it would be a significant contribution to the community. He said that they are a nonprofit and are asking for a waiver of the fee so that they can spend that money on other beautification projects.

Susan Morgan of 508 Wildwood Farm Way, Holly Springs in the Wildwood Community. They appreciate the Noise Ordinance, but they are concerned about the exception for trucks. Because Lowe's and Wegmans are coming into the community there will be trucks coming in to the community 24/6. Lowe's said there will be about ten trucks delivering. Wegmans doesn't have a distribution center, so vendors' trucks are coming in at all hours. The back of the store is 50 feet from neighbors. Ms. Morgan said that freezer trucks will be parked and running after midnight, 3 times each night, 6 nights per week. They want the town to do something to help the community so that residents can get a good night's sleep.

Christine Quante, 344 Raleigh Street, Holly Springs, from the Chamber of Commerce, said thank you for the approval of Springs Fest, coming up on April 27<sup>th</sup> to celebrate downtown development, and to celebrate the past and embrace the future of Holly Springs. She wanted to thank the staff and Randy for being very involved with the Chamber and helping them prepare for Springs Fest. There is a lot of hard work going on behind the scenes, and the Chamber of Commerce is looking forward to a great Springs Fest, along Main and two parking lots, with 120 vendors, lots of activities and a race that will end on Main Street.

**6a. Proclamation – Autism Awareness Day** – Mayor Sears said April is World Autism Month, today is World Autism Day, and he mentioned that the Holly Springs Police Department and NC Autism Society are celebrating Autism Awareness on April 6<sup>th</sup>. He proclaimed April 6, 2019 to be Autism Awareness Day in Holly Springs. He said that the Town wants to bring awareness to autism. He thanked Councilman Berry for organizing the recognition. He then called Matt and Gaile Valcho to the podium, along with their son Brady and gave them the proclamation.

They introduced their son Brady, who said that he has autism which means his brain works differently. Mrs. Valcho said that she and her husband started Autism Acceptance Day. They started the event three years ago. They are grateful to the Holly Springs Police Department for giving them the space. About 340 people came through last year, and it is growing every year. There are service providers who attend, there will be a DJ, Gavin, who was in the audience, and many fun activities. Mrs. Valcho thanked the Town for acknowledging this important issue and supporting them.

**Action:** None.

**6b. Proclamation – Arbor Day** – Mayor Sears introduced Matt Beard, from the planning department.

Mr. Beard said that staff and the Tree Advisory Committee are asking the Council to recognize Arbor Day for the first time in Holly Springs. In addition to showing that Holly Springs is a community that values trees, this action satisfies the last requirement for becoming a Tree City USA. This proclamation isn't coming just from staff, but from the newly formed tree advisory committee. He asked the committee members who were in attendance to join him at the podium, and Rachel Woods, Gary Claiborne, and Katherine Penton came forward.

The Mayor recognized the Tree Advisory Committee and thanked them for their service. He then proclaimed April 26, 2019 to be Arbor Day in Holly Springs. He said that the Tree Advisory Committee will be celebrating Arbor Day at the Spring Fling at Sugg Farm on April 13, 2019.

**Action:** None.

**6c Proclamation - Census 2020:** Gina Clapp, Director of Planning, announced that Census 2020 is one year away. She explained that it is important for three messages to get out. 1. It's

going to be easier than ever to participate in the census – online, by phone, or by mail; 2. The census is safe and secure. It is 100% confidential; 3. Taking part in the census is a civic duty, because so much is dependent upon it. Everyone who is in the US on April 1, 2020 needs to be counted, regardless of immigration or citizenship status. Ms. Clapp said that North Carolina could possibly get a new seat in congress if everyone is counted. It's also important for business to have an accurate count.

Ms. Clapp unveiled the 2020 Census logo and explained how it needs to be used. She unveiled the Town's census logo designed by Tamara Ward, Interim Director of Communications. This logo will be on all Census marketing that the Town produces. She said that work on the 2020 Census started in 2011. Every year much information is reported to the Census in preparation for the decennial census. The Planning Department has already provided the Census Bureau with the Local Update of Census Addresses. All information they discovered in this search for addresses has the same confidentiality as information held by the Census Bureau. She said that the Census Bureau has asked the Town to get the word out that the Census is Safe, Easy, and Important.

Tamara Ward spoke about why the census is so important and how we are going to share the message with the community. She described the three phases of the timeline as Getting Ready (now) Go Time (March and April) and Wrapping Up (after Census Day). Yesterday the Town launched a new census web page, next month there will be an article in the newsletter. As it gets closer to Go Time, more and more frequent messages will go out. March is when the federal government mails census forms; in April the door knocking begins. The Town has some great plans for getting the word out through email, display screens in Town Hall, window clings in storefronts, video advertising, and email/text notices. They are going to go out into the community to get the message out at town events and facilities, but also at businesses, schools, pediatrician's offices, and other places in an attempt to count children as well as adults. Also, she announced that the Town will have Complete Count events out in the community where people can enjoy a muffin and coffee and complete the census form on the spot.

Ms. Clapp said that this is exciting and important to the community and that the Town will be working with Wake County. Wake County will provide multi-lingual materials to help ensure the complete count. Wake County staff will also join the Town at events to help get out the news of the Census. Wake County has asked for a contribution from each municipality. They did not ask for a specific amount but Holly Springs proposes contributing \$4,000, to be comparable to what our neighboring communities are giving. Wake County will be looking for Council and community representatives to join the census committee at a later date.

Mayor Sears then proclaimed April 1, 2020 Census Day in Holly Springs.

#### **7a. Requests and Communications – Street Tree Maintenance Ordinance**

Matt Beard, Planning, said that the Town currently has a Policy regarding maintenance of street trees, but no ordinance. He said there is no ordinance to vote on today, but one could be brought to the April 16<sup>th</sup> meeting. Staff were directed by the Council to revise the existing Town Policy (P-39) from 2012 to document the increased Town street tree maintenance with the addition of two additional street crew members in the Public Works department. He said that an ordinance will make it easier to make changes and tweak the policy to match the Council's intentions. He said that the Tree Advisory Committee discussed an ordinance proposal at their meetings on 2/11/2019 and 3/11/2019 and recommend that the ordinance keep adjacent homeowners as being responsible for replacing dead or missing street trees due to the number of trees that are missing and the amount of public funds that would be required to replace all missing trees. Mr. Beard said that the policy put the onus on the resident, and as he fielded phone calls from residents, he thought that

changes might need to be made, with the replacement of street trees falling on the Town. The Tree Advisory Committee was formed as a condition of becoming a Tree City USA. The Committee prepared a draft ordinance that had the Town taking responsibility for nearly all the maintenance and replacement of street trees. After discussion it was thought that the Town should perform maintenance that is functional in nature – clearing street lights, sight triangles, signs, etc. and that aesthetic trimming should still be the resident’s responsibility. This ordinance could be amended later to allow the Town to add more programs in the future, such as going into neighborhoods and planting trees, or replacing diseased trees.

Mr. Beard explained that the proposed ordinance would be a compromise that:

- Specifies that the Town is responsible for the ongoing “functional maintenance” of street trees, with clearing for public safety as the top priority, as well as clearing street trees from blocking public street lighting fixtures;
- Clearly delineates when the Town is responsible for trimming or removal of street trees in the public right-of-way;
- States that the Town will replace dead or missing street trees as funding is made available, but encourages adjacent homeowners to replace trees where they are missing;
- Strongly encourages adjacent homeowners to complete the clearing of street trees from public streets and sidewalks to allow for clear and safe passage;
- Strongly encourages adjacent homeowners to maintain and trim street trees for aesthetic purposes
- Provides for an exemption of yard waste collection fees for oversized pickup when the Town is notified of a homeowner-completed street tree removal or maintenance activity; and
- As an adopted ordinance, authorizes the Town to issue violation notices and impose fines if necessary.

Mr. Beard asked that the Council provide feedback regarding the proposed ordinance, which staff would bring back before council at the April 16<sup>th</sup> meeting.

Councilwoman Kelly asked if Mr. Beard could share how much money it would cost the Town to replace all the street trees. Mr. Beard said that there are thousands of diseased trees and that the Town would take years to replace them all because the resources aren’t there. He said there is an increased buy-in from HOA’s in maintaining their own street trees, and the Town doesn’t want to stop that work.

Councilwoman Kelly recognized all the hard work the Tree Advisory Committee has done. Mayor Sears reminded everyone that if you trim the tree early, then you don’t have more dangerous situations later.

Councilman Villadsen asked if the ordinance provided for penalties associated with the land owner not taking care of the tree. Mr. Beard said that as an ordinance it could be treated like any zoning issue and we could charge a fee. Historically the Town has not gone after individual residents, but there is a \$750 fee, based on the replacement cost of the tree. Councilman Villadsen said that this seems to apply to trees cut down or not replaced, but not to pruning issues. Some residents may not have the ability or the funds to do this. Also, he said that with diseased trees, because there are similar species on the same side of the street, if you treat only one tree it will get re-infected. Is there a provision for what to do about treating all the trees on a street?

Mr. Beard said that this issues is not addressed at this point.

Councilman Villadsen asked if the ordinance address the builder putting in the wrong trees, as that seems unfair to the homeowner.

Mr. Beard said that if a tree is healthy but the wrong species, leave it. If it’s causing an issue, the Town could work with the resident to find a replacement at the next planting season.

Mr. Schifano said he wanted to address the fact that the Town is now verifying landscape plans prior to issuing Certificates of Occupancy, so the likelihood of going forward with the wrong tree is being reduced. Mr. Beard said that many of the trees that were planted that were the wrong

species are now getting sick and dying. There is treatment available but many trees are too far gone. In those cases there is an opportunity to plant the right species. He said that the Town has a certified arborist on staff who is able to help ascertain the actual health of a tree. The Town works with the property owner at that point.

Councilwoman Kelly said that the Tree Advisory Committee has a meeting next Monday and asked if there were questions to take to them from the Council. Councilman Berry said that he is concerned that whatever is more restrictive – an HOA covenant or the ordinance – opens up ambiguity for who is responsible. HOAs can help enforce the Ordinance, but are we putting money behind it and making it the Town's responsibility, or are we relying on HOAs to enforce the matter with homeowners. With the Ordinance we are outlining what the Town will do, and what we want the homeowners to do, but there are limits to what we can do. Councilman Berry said the ordinance was not strongly worded enough to be clear as to who is responsible for what.

Councilman O'Brien asked how many maples are in distress. Mr. Beard said that out of over 13,000 street trees in the Town over 6,000 are red maples, and 1,200 red maples are in distress. They are the biggest problem right now and the Tree Advisory Committee picked them as an example to show how much it would cost to fix the situation. Mayor Sears said that the Town now has two additional crew members on the street tree team. We are fixing many problems and making progress, particularly trees growing over street lights. Councilwoman Lee said that the Town has put a lot of time and education into the people who are trimming the trees so they survive better than in the past.

### **8a. Public Hearing: Planned Unit Development 18-PUD-01 Carolina Springs – joint public hearing with the Planning Board**

Sean Ryan, of the Town Planning Department explained that this is a joint public hearing with the Planning Board so that Council and Planning Board hear from the public at the same time. This joint public hearing is unique to the planning department. He said that having a Joint Public Hearing allows the Planning Board and Town Council to receive public comments prior to the application being reviewed by the Planning Board and a recommendation made to Town Council. The property is in the Northern part of town, just south of the Apex ETJ; south of Target and north of 12 Oaks. This is not a common type of development in Holly Springs. The last time the Town had a Planned Unit Development (PUD) was in 2012. Mr. Ryan explained that a PUD is a type of zoning used to encourage creativity and innovation in the design of developments, including the layout of land uses and open space that promote high standards in design and construction not normally allowed with the development standards contained within the Unified Development Ordinance (UDO).

He said that the future land-use map shows this land as a business park, but the developer has an application in to change it to mixed-use. But that is not the subject of tonight's public hearing. Current zoning is R20, R30 and LB. The project is just under 400 acres in total. There would be a gross density of 4.5 units per acre with a maximum number of 1700 residential units. There would be four development districts: a Town Center district, an Innovation District, a Village Square District, and a Neighborhood District.

Additional development standards that would apply include a 25% allowed reduction in parking, 15% tree preservation with stream buffers, flood plain, wetlands, bottomland hardwoods, and perimeter yards a priority; a 20% tree canopy goal. Loading would follow the UDO requirements, and landscaping would general follow the UDO with minor variations of plant unit values and landscape materials. This application was made before the Tree Ordinance was passed, so they

are proposing their own tree preservation requirements. They are proposing a required 10% of the project area or 39.2 acres to be set aside for open space and recreation areas with a town park, greenways, and pocket parks included.

Rachel Jones referred to the utility layouts and transportation improvement information in the agenda packets. With the PUD, public utilities will be provided to the site. She said that public water will be extended from Woods Creek Road. There is water stub to several adjacent properties. Wastewater will also be extended along Woods Creek Road and Woodfield Dead End Road. Gravity sewer will be provided throughout the site. There will be several areas where upstream properties will be served by this gravity sewer. There would also be two new pump stations. There are two options for force-main routes, which would be determined during the development planning stage. Both discharge to the water reclamation facility. Options A would be from Holly Springs New Hill Road and Green Oaks Parkway to the WRF. Option B would be parallel existing easement, to Irving Parkway to the WRF. The Traffic Impact Analysis has been completed. Nine intersections were studied. Here is the vehicular circulation layout. There would be a four-lane median divided thoroughfare, along Old Holly Springs Apex and Woods Creek Road. As we progress up Woodfield Dead End, there is a two-lane collector with bike lanes and on-street parking. Arrows at property line symbolize stubs that will meet our interconnectivity plan. This is a summary of recommendations as a result of the TIA. The applicant studied all the way to the bypass, including the eastbound and westbound ramps to 540 and the southbound and northbound US 1 ramps. There are improvements planned to the intersection of Woods Creek Road, Bennet Knoll Parkway and the developer would pay a fee in lieu of a third right-turn lane on to the bypass. There would also be a reimbursement agreement that will come before Council at a future meeting.

Mr. Ryan asked if there were any questions for staff. There being none, the applicant's team approached the podium.

David Stallings, owner of Capital Projects and Stalling Homes, said they were the petitioner asking for the zoning for this project. With him were representatives from WithersRavenel, Duke Energy, Ramey Kemp, Clark Nexsen, and Calvert Sports Academy.

Mr. Stallings said that the proposed project would be a mixed-unit development integrating residential, commercial, recreational, and residential uses. He asked the room to imagine a neighborhood being walkable, and listed all the things you could do without getting in your car. It would use highway infrastructure and doesn't put pressure on town roads. It would be a unique combination of density and affordability with a shared, common community open space. And it will open up a future business park for Holly Springs.

Mr. Stallings introduced Brian Richards of WithersRavenel. He said the whole team is excited about this project. The reason to use a PUD is to create a compact mix of uses. And to prioritize and utilize land in order to preserve open space, preserve trees, and create more walkable communities. He said that these places are not so vast, as the shared community open space and greenery. It also gives the opportunity to create and provide a variety of housing types for all people of Holly Springs. It also provides a sense of affordability. We can create different sized lots, different types of housing, more walkability, and the ability to produce a new product for people in all walks of life. He said that this gives them the ability to create new design, more cutting edge design to create a sense of place. We want to have a street scape that is not just another subdivision. It would have places to gather and have events, the ability to do all your daily activities without having to use your car. He said that the traffic would be less than the TIA predicts because people would not have to leave the development to do their weekend errands. All these amenities will be in a walkable space. Key thing about project is location.

Mr. Stalling said that the State has already made investments in I-540. A large part of this traffic will go to RTP via 540 or US 1 to north to Raleigh or south to Southern Pines. With the

Veridea exit ramp completely built out, it creates an opportunity for this community to use these roads and not impact local municipal roads. Regarding the master plan itself. For the Town Center, think about grocery stores, hair cutter, dry cleaning, and local restaurants. As you work in toward the Village Square and Innovation districts. He said that Calvert Ice Complex is a group that wants to bring an ice complex to the district, which will bring hotels, restaurants, night life, and bars. Village Square will have open green space with movies on the lawn, farmers markets on Saturday. There will be mostly retail at ground floor, apartments and condos in the upper stories. The Neighborhood District would be more like a “normal subdivision.”

He said that Council has made clear the importance of the increasing use of commercial- and mixed-use development. This project would have 61 acres of commercial use (20%). If you look at the mixed-use, it will be a large part of the commercial, it brings the percentage to 51% commercial- and mixed-use.

Mr. Richards said the neighborhood district will be anything but normal. It’s going to be exceptional. This is 4.5 units per acre for the whole community, but there would be pockets of density in order to preserve open space. Conservatively, he said, there would be 100-plus acres of open space, well over 25%. Of that, 40 acres at least will be developed open space – parks, trails, plazas, squares, playgrounds, etc. And there would be a 25-acre town park designation right in the middle, on Woods Creek Road, across from the future Wake County Public School sites. He said that using the PUD would create the opportunity to preserve more open space, and it will be connected to sidewalks and paths, but also many trails. There would be 2.6 miles of greenway trails onsite, and 1.2 miles offsite trails to connect to 12 Oaks. It would be more than connectivity to get around, but connectivity to your neighbors and nature. With great amenities such as Calvert Sports academy and Iceplex, a place to gather and to bring in all of Holly Springs.

Marty Linn introduced himself as a partner and director of facilities from Calvert Sports Academy and Development Center LLC and a licensed landscape architect. He said that Calvert want to build an exceptional facility in this community as well as an exceptional program for student athletes. They are exclusively dedicated to ice sports of all types. There will be a primary commitment to competitive level sports, with ice hockey the primary generator of activity and revenues. He said there would be a secondary but broad commitment to recreational users. He said that here are many programs in the country train athletes, a few have an academic program associated with that training, and very few that add a personal development aspect to the program. Calvert Sports Academy instill integrity, work ethic, reliability, etc. in athletes. They also teach life skills, as many athletes are very talented but might not make it into sports professionally. They plan to prepare athletes for life after sports with life skills such as communication, personal finance, etc. They will build an exceptional facility whose level of quality will not be rivaled in this area. They have hired the best architect in the area. Personalized service will be key, with concierge services and things of that sort. They will be a destination program and expect to draw talent from a wide area outside of the local area because of the quality of the complex. He said that David and Bryan have been talking about the walkability. And that is important for a facility like theirs. It doesn’t make sense for them to bring people in that have to drive 5 miles away to a restaurant. It’s important for them to be located in an area that has amenities within walking distance. Shared parking is important because during events there will be a huge demand for parking. They need to be able to do this in a way that does not create conservation problems. He said that they are already thinking about how to share parking; lodging and housing are critical. He said that Calvert is going to have a foundation which will provide financial assistance and other kinds of help to a wide range of people who need it such as K-12 after-school programs, learn-to-skate programs, mentoring by professional sports athletes, nutritional education, college preparatory seminars, Special Olympics and others. He shared statistics from Wake County’s year-end tourism industry that shows amazing growth in this area. He said that Calvert would expect 3,000 plus users on a weekly basis. He said that they project 14,000 “room nights.” It will be a driver in terms of bringing a hotel to the area. This

is expected early years' impact, not down the road. In terms of job creation, the facility will create about 50 full time employees and about 50 more that are either seasonal or contract.

Pat O'Keefe, managing principal with Clark Nexsen in Raleigh said that they are excited to be part of the potential program opportunity. He said that this is a one of a kind opportunity in the United States. It will draw locally, but also from the state, the region, and nationally. It will associate the name of Holly Springs with sports. The facility will be approximately 240,000 square feet with a proposed construction cost of \$85-90 million. This would be a significant investment. One of the highlights of this project are energy efficiency using water reclamation, solar technology for heat and hot water, passive day lighting and other energy efficient technologies. Holistically, this would be a very robust facility. AV integration will be readily available in this building. It would be a multilevel facility taking advantage of topography to sink elements into the ground. They are conscientious of the mass and scale and are making efforts to minimize the footprint and impact. Smart building controls and security measures would be included. Some of the full-time employees will be running the facility. From the public perspective, there is intuitive design for users to make it easy to navigate.

Brian Dautel from Clark Nexsen, showed a floor plan of an athletes' dormitory. This would be onsite, safe, secure housing for athletes who come from out of town for tournaments or training. But heart of venue would be the competition venues. There would be 5 sheets of ice, including 3 full size NHL sized rinks and pair of smaller training rinks. There would also be a strength and conditioning gym, an elevated running track, and about 1,750 spectator seats. There would be integrated rink side monitors for coaches to provide feedback in real time. There is an overarching goal of including daylight and views out of the windows to connect the building to the site. There would be a film room to support training off the ice. Also, tutoring, academic classrooms, study lounges, and physical therapy spaces. Beyond that, the vision for this facility is that it be an amenity to support the athletes, and also the parents and families of the athletes. Food service, wine bar and tap room for parents; youth gaming centers and study lounges for siblings and athletes. There will be a skate rental area for people from the broader area to utilize this facility.

Nate Bouquin with Ramey Kemp and Associates spoke about regional connectivity. He said that the site is located in a very unique area, directly adjacent to both US 1 and I-540, and about 3 miles off of NC 55, so the traffic can be spread out. He said Ramey Kemp prepared a TIA in coordination with Town staff and NC DOT. That study was reviewed and approved, as Ms. Jones explained previously. They will improve 10 intersections: widen Old Holly Springs – Apex Road and Veridea Parkway to provide a four-lane divided cross-section beginning at the NC 540 interchange; install traffic signals at Woods Creek Road and Old Holly Springs-Apex Road and NC 540 eastbound ramps at Veridea Parkway; lengthen eastbound right-turn lane on Old Holly Springs-Apex Road at Woodlark Lane; and turn-lane, frontage widening along Woods Creek Road for about 1.75 miles.

David Stallings said that now it comes to what happens in the future to Holly Springs after this development. He said that the land under discussion was slated to be a business park. In order to give the proposed business park a leg up and a fresh start, Carolina Springs will provide the utility connections, the transportation access, the live-work-play community that then can become the future business park for Holly Springs. Without Carolina Springs, he said, he thought it would be difficult to get the sewer connections. He said that it was his opinion that 12 Oaks sewer pump station is out of capacity. This is a very complex and large undertaking, and Carolina Springs can provide the environment and support the cost of providing the utility connections. He said that the economic impact report was made before the Calvert sports complex, but direct investment of over \$308 million and, when including payroll and all other categories, over \$800 mil dollars. It would add 5,708 jobs. And, he said, these numbers were done before the Calvert Ice Complex and other retail



components were brought in, so he thinks the economic impact will be far greater than this. It will create over \$26 million in state and local taxes, but this is not for Holly Springs alone.

In summary, Mr. Stallings said he would like to thank the staff of Holly Springs. They have been amazing and helped us go from a small idea to a grand idea. He thinks they have put together the right team and he thinks it will be extremely special. He said that with what they are trying to put together, a PUD is the only way they could do this. He acknowledged that the Town has put a lot of effort into the UDO to try to prevent the need for a PUD, but given the number of different uses in this one community, this is the only way it could be done. He said that this location is the perfect spot for a mixed-use community. This community would be unique, and would attract so many types of commercial and retail users such as grocery stores, restaurants, and hotels combined with a neighborhood of walkability and sustainability that can make an impact on Holly Springs, not only the residents of the neighborhood, but also those who are not part of the neighborhood. It is a huge impact for Holly Springs. He said the potential for a future business park would be further enhanced by this development. Finally, he said, there is a subdivision that is a part of Apex that has been contemplated for a long time, and that is Veridia. There have been a significant number of problems with that development project and it has been stalled. He said that if that development gets off the ground, it would make it harder to do what Carolina Springs wants to do, so he said the Town needs to move quickly.

Councilman Villadsen said this is an enormous project, and asked about how the phasing would work. Mr. Stallings said that in order for the neighborhood to take off, you have to build the entrance at the town center. The town center is going to be the main entrance so it will be there, regardless. Also, the Ice complex wants to start now, so sewer and road will go in to the innovation district from the beginning. He said he doesn't see how the project couldn't snowball from there. There will be an entrance at the town center, and the second right past the town park at Woodfield Dead End Road. Councilman Villadsen said that the Town Center was marked as Phase 4, whereas the middle section appears to be the initial phase.

Mr. Stallings said that one of the things staff asked Ramey Kemp to do was to stage the TIA along with the different infrastructure improvements that have to happen, because in site plan one, even though Phase One is where the Town Park and the Village Square is, they will have to put in and site plan the road that goes to the Town Center. So the road will have to be there, which will open it up for development and for people to come in and purchase. The other reason for the TIA study is so that they can bring in a phase that may be different from what is currently indicated, and the infrastructure will go in ahead of where it is currently marked.

Councilwoman Kelly asked if they were considering elements of the revision master plan as they decide on different types of housing. She asked for more information on the types of housing in more detail. Mr. Stallings said that the phasing was the initial phasing from when they started, over a year ago, but the phasing is changing as things evolve. This is why they have to change when the traffic improvements come in. He said that they are looking at an age 55 and up complex as part of village square and that will come in at the site plan and can bring it in with zoning, but it will not be set in concrete. Calvert has a very modern look, so they want to blend it for an integrated look. Councilwoman Kelly said that affordability was mentioned several times, and she would like them to define what that means. Councilman O'Brien asked if they met with Greater Raleigh Sports Alliance about the ice complex. Mr. Linn said that email conversations have taken place, but no date has been set for a face-to-face meeting.

Mayor Sears said that he has heard that people take their kids to the Iceplex in downtown Cary for practice at 4 am. Mr. Stallings said that the Iceplex is not a local issue, it will be regional and national. Travel teams from across the country will come to play at this location. It will put Holly Springs on the map for an ice complex. There might be one other arena, in Tampa, which comes

even close to what this one will be like. Mr. Linn said there is a capacity issue in the Triangle, which is why people practice at terrible hours.

Councilman Berry asked about the number of residential units for each category, residential, commercial, and mixed-use, and what the mix would be of townhomes, to apartments, to single family homes. Mr. Stallings said it will be broken up in the PUD application, by phase on the application but we can work it up by Village Square. Mr. Richards said there would be a Town Center with a grocery store, etc. to serve the whole area, including 12 Oaks. Then as you move into the site, there will be potentially office, hotel, Iceplex, and then when you get to the Village Square district, it will work away from the square where you will have vertical mixed-use, with the ground floor retained with apartments, condominiums, and townhomes. This will move to apartments and townhomes, and then gradually to the residential district. He said it will get less dense. It is difficult to give numbers, because it depends on the demands for apartments. Councilman Berry asked for some kind of rendering on a concept so that Council can visualize what their image is for the project. Mr. Richards said they could provide something, but it would change over time.

Councilman Berry asked Mr. Boquin on the TIA. He said that if you look at Woods Creek Road, and it is widened at Twelve Oaks' Phase Nine, and at the frontage of this property, but then goes back to two lanes. If this project won't widen it, what will? Mr. Bouquin said a lot of that is all the driveways. The east-west connector sends people back to the highway. Our analysis did consider Woods Creek Road and he said that it wasn't at capacity yet. Everything was still level service by the site, which is what staff and DOT look for.

Sean McGrath said that the Planning Board has a question about access to the west with the residential section being on the west side. Have you had any discussions with DOT or Wake County, talking about the school system there, with the connectivity to US 1? It is the 540 avoidance factor that we see. What are the percentages you see going to Veridea Parkway versus Old Apex to Bennett Knoll? He asked that they bring this back to the Planning Board at a later time.

Mayor Sears asked Irena Krstanovic, Director of Economic Development, to come give an economic development reaction to this project. Ms. Krstanovic highlighted a few important things. First, she said that this land is owned by Duke Energy, a long-time partner. Their willingness to sell the land is new, and the Town sees this as a great opportunity. A lot of Duke Energy land surrounds the Friendship site, so opening this land for economic development would elevate the economic development goals around the Friendship site. She agreed that if the Veridea subdivision comes first it would be significantly harder to develop on the Holly Springs' side. She said that she would like to keep the non-residential tax component in Holly Springs and enjoy the benefit of it. She said that only a certain percentage of commercial is necessary to support the residential around it before the market becomes saturated. So the Town would like to keep it on the Holly Springs side. This project does bring the opportunity for higher capital investment, and job creation, due to the ratio of commercial to residential. It aligns with two strategic plan areas, responsible and balanced growth and economic prosperity and diversity. The Ice complex came to us over a year ago looking for a site. The Town spent months trying to find the perfect site for them in Holly Springs. The Town felt that brokering a partnership with Carolina Springs would bring the anchor tenant on that side of town that will bring the foot traffic that would support more commercial development in that area. Along with the diverse housing goal, the Town would like to attract a diverse and talented workforce of all ages, skill sets, and backgrounds, which supports our diverse and growing economy. The most important point from an economic development standpoint is that this area and the Friendship site lack utilities. With the completion of this project, the utilities will be accessible and it will open many other areas in economic development and get the Friendship site closer to having utilities, which has been a goal for many years.

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

There being no input, the public hearing was closed.

Councilman Villadsen asked if, given that the Village District, for example, supports many uses, if residential had a higher demand, would the percentage of commercial be reduced. Mr. Ryan said that as part of the PUD, the developer has committed to a minimum percentage of commercial, unless they come back to the Council for a change, but they can shift the percentages from pod to pod. Councilman Villadsen asked if there was any way to tie residential to commercial to be sure the commercial will come and the Town is not weighted with residential in the beginning. Mr. Ryan said that there are zoning mechanisms that can be used, so many units of commercial can be required before a certain number of residential units are completed. This is a method that Council could use. Mr. Schifano said that the Town is proposing to tie infrastructure reimbursements to some performance of the commercial criteria. The problem is that commercial is much more market-demand based, but the Town will do their best to be sure commercial is being constructed. Geographic components can be tied to commercial components, but the problem is being unable to react to market forces and setting the developer up for failure. It is a work in progress. We are not at the final stage of contract yet, so we can tweak it.

Councilwoman Lee said that she doesn't want to see 1,700 homes with only a nail salon and a dry cleaner because all that traffic will come in to town and use the already over-burdened infrastructure. Mr. Ryan said that the TIA is based on full build-out with the specific commercial and residential numbers.

Councilman Villadsen said, if we are dealing with a lot of residential before the commercial comes, is that a negative impact on the TIA, or a positive? Ms. Jones said that the TIA approved with the PUD is based on full build-out through 2027. It will be revisited with each phase and it will be revisited and updated if necessary based on the time-frame of the developments coming in.

Councilman Villadsen asked what the impact of inbound traffic would be for people from other parts of Holly Springs coming in using resources there. Ms. Jones said the Town could look at that impact and report back.

Councilman Berry asked what amount of effort staff will have to put in on a PUD like this, since the requirements are different from the UDO. Would there be an increase of scope of staff that is needed for this? Mr. Ryan said that this is one reason that the Town has put so much effort into the UDO. PUDs are difficult, as each PUD has its own density and set-back requirements. He said he doesn't want to speak for the department, but from an administration perspective, it currently is not too much effort as most of our developments are built out so staff doesn't have to go into the files. We have introduced the mixed-use into our ordinance to try to tackle the PUDs so that every development would have the same standards. We said the ordinances exist to make it easier for developers and the public to understand.

Ms. Clapp said that she would not anticipate needing significantly more staff, but each review will take longer to evaluate because plans must be evaluated going back to the PUD master plan. There are some efficiencies for general review, because staff is so familiar with the UDO. For long-term maintenance is difficult with keeping these documents forever. If it cannot be achieved through traditional zoning, then you want to look at a PUD. This is a decision that needs to be made and vetted through this process.

Councilman O'Brien said, with the potential for 1,700 homes, and 12 Oaks being in that area, should we look at a fire station there? Mr. Ryan said that the applicant is proposing to dedicate approximately four acres for a proposed fire station, just south of the Town Center District on Old Holly Springs-Apex Road.

Mr. McGrath said he appreciates the internal connectivity but wants the developer to address external connectivity outside, to 12 Oaks, but also to the west, toward the Tobacco Trail and other areas.

**Action:** The Council approved a motion to forward Planned Unit Development #18-PUD-01 for Carolina Springs to the Holly Springs Planning Board for review and recommendation at the Planning Board's regularly scheduled meeting on April 23, 2019.

**Motion by:** Berry

**Second by:** Lee

**Vote:** Unanimous

#### **8b. Public Hearing: 19-03, 18-UDO-05, Semi Annual UDO Amendments**

Sean Ryan explained that the Planning and Zoning, and Engineering departments evaluate the Unified Development Ordinance (UDO) twice a year and suggest amendments as interpretation issues arise, new or modified regulations are suggested for development within the Town's corporate limits and Extraterritorial Jurisdiction (ETJ), or the State modifies regulations or the General Statutes that have an impact on the Town's development regulations. He then gave a summary of the proposed changes to the Holly Springs UDO as follows:

He said that there are 44 proposed ordinance changes. Thirty-two (32) are corrections or clarifications:

- Remove outdated text or sections that were missed with previous amendments or no longer used
- Correct interpretation issues
- Remove confusing text

Ten (10) are minor changes:

- Elimination of car wash facilities in multi-family development
- Timing of required open space
- Increase outdoor seating allowance
- Prioritize tree preservation along greenways

And two (2) are issues of legal compliance

- Tree preservation areas in required environmental areas
- Minor subdivisions

Councilwoman Kelly asked if this was the time to put restrictions on smoking outside of buildings. Mr. Ryan said that is on the list for the next set of amendments, as staff starts preparing these amendments several months ahead of time.

Councilman Villadsen asked why so many corrections needed to be made. Mr. Ryan explained that the ordinance is over 20 years old and there are parts of the ordinance that are complex and it is not always noticed when something changed in one place affects something somewhere else. Also, sometimes someone asks about an interpretation, and if different people think it means different things, it needs to be clarified.

Sean McGrath of the Planning Board said that they discussed the amendments at their meeting on February 26, 2019 and asked for a few clarifications, but did not express any concerns with the proposed amendments. They recommended approval with a vote of 7 – 0 – 2.

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

There being no input, the public hearing was continued.

**Action:** The Council approved a motion to adopt Unified Development Ordinance Text Amendment Ordinance 19-03 to modify the text of the UDO as submitted by the Town of Holly Springs.

**Motion by:** Villadsen

**Second by:** Berry

**Vote:** Unanimous

*A copy of UDO Amendment Ordinance 19-03 is attached to these minutes.*

### **8c. Public Hearing: Annexation A19-02, 2995 Mills Lake Wynd**

Melissa Sigmund, Planning and Zoning, said that the Town received a petition to annex 0.46 +/- acres located at 2995 Mills Lake Wynd, more particularly described as Wake County Pins: 0658.02-68-4928. The owner is Mangrum Building, LLC and the property is contiguous with the town limits. The petition meets all the statutory requirements for annexation.

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

There being no input, the public hearing was closed.

**Action:** The Council approved a motion to adopt Annexation Ordinance A19-02, annexing 0.46 +/- acres owned by Mangrum Building LLC, more particularly described as Wake County Pins: 0658.02-68-4928.

**Motion by:** O'Brien

**Second by:** Lee

**Vote:** Unanimous

*A copy of Annexation Ordinance A19-02 is attached to these minutes.*

### **9a. Consent Agenda:**

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

9a. Minutes – The Council approved minutes of the Council meeting held March 19, 2019.

9b. Budget Amendment – The Council approved a budget amendment for the 2018 Market IRA Sewer Reimbursement.

9c. Fixed Network – Tower Lease Space The Council approved a contract with Skyway Towers, LLC leasing space on an existing tower to provide reception for the fixed network for customer water meters.

9d. Omni Pump Station Removal - The Council approved a contract with Freese and Nichols for engineering services for the Omni Pump Station Removal Project.

9e. Fireworks Display - The Council approved a contract with East Coast Pyrotechnics for the Town's July 5<sup>th</sup> Celebration.

9f. Census 2020 – The Council approved a memorandum of understanding with Wake County regarding 2020 Census.

## **10. Other Business:**

### **10a. Norris-Holland-Hare House**

Gina Clapp, Director of Planning and Zoning, said that the Town had advertised for bids for the Norris-Holland-Hare House with a minimum bid set at \$60,000. An open house was held on Friday, March 15, 2019 with Capital Area Preservation present, and three groups attended. She said that bids were due by March 25, 2019, and that the Town did not receive any bids. There are two parties that are still interested in the house and are trying to work out financing, insurance, and other items. We don't know what those interested parties' financial situation is. She outlined possible options for next steps that the Council could take. The Town could keep with the \$60,000 minimum bid and extend the bid period; lower the minimum bid amount; or provide an extended bid period to allow potential buyers more time to prepare bids. Also she said that the Town could add a requirement that a bidder's renovation plans must be approved by Capital Area Preservation in order to submit a bid, which would help to ensure that renovations actually take place after a sale and are in compliance with the CAP requirements.

Mr. Schifano said that the Town has the option to give more exposure to the sale, advertising for a longer time to yield more bidders and a higher price. He suggested a 4-6 month bid period might give people time to get the financing together, since bank financing is not normal for this type of project.

Councilwoman Kelly said that with interest rates falling she likes extending the bid time. She asked if the Town could add the renovation plan to the requirement. Mr. Schifano said that the Town would have to spend money to create a plan, including rudimentary architectural plans and a basic renovation plan. The Town might be able to get a basic plan, but that might limit the willing bidders. He thought it might cost a couple thousand dollars to get a basic renovation plan. Councilwoman Kelly asked if having a plan would help or hurt a bidder's chance to get financing. Mr. Schifano suggested that it might help because bankers like plans.

Ms. Clapp said that as an alternate, the Town could put verbiage in the advertising, requiring that the Capital Area Preservation approve bidders' plans, since bidders might have acceptable plans that differ from a plan we drew up.

Councilman O'Brien asked if we extend the bid period 180 days and get an offer tomorrow, does Council have to wait. Mr. Schifano said no, the Town just has to advertise for an upset bid if they accept a bid that comes in. The Town can leave the period open-ended and consider bids as they come in. O'Brien recommended extending the bid period 180 days and asked that the Town maintains the grounds, since summer is coming. Randy Harrington said that the Town has been and will continue to maintain the grounds and do some outside home maintenance to protect it.

Ms. Clapp asked if Council wished to keep the bid period open-ended, and was told yes. Councilwoman Lee asked if there was a public information package if someone asked for it. Ms. Clapp said there was, and a web page and if Council put interested parties in touch with her or Sean Ryan, they could get information to them.

Action: Council provided guidance to staff to keep the bid period open-ended.

### **10b. Noise Ordinance Technical Amendments**

Scott Chase, Assistant Town Manager, said that at the March 19, 2019 Town Council meeting the Council requested that staff draft technical amendments to the Town's noise ordinance to bring consistency to the noise ordinance, the engineering design, and construction standards. This consistency will clarify exemption times should enforcement be necessary to respond to complaints about noise resulting from construction outside of the acceptable times. He said that there is a provision in the ordinance for obtaining a permit from the chief of police or his/her designee to allow noise resulting from activities of a temporary duration including construction.

**Action:** The Council approved a motion to adopt Ordinance 19-02 amending Section 12-315 of the Holly Springs Code of Ordinances, Chapter 12, Article VI, Division 2, as submitted by the Town of Holly Springs.

**Motion by:** Villadsen

**Second by:** Lee

**Vote:** Unanimous.

*A copy of Ordinance 19-02 is attached to these minutes.*

### **Further Business:**

Councilwoman Kelly pointed out that the people from Holly Springs UMC were still present and asked Council if they could address their request for a fee waiver. Mayor Sears asked if Council should address it tonight or send it to staff, and Mr. Harrington said it was the Council's decision.

Councilwoman Kelly offered some background information explaining why they weren't expecting to have to pay this fee, and said she would like to propose that the Town waive the fee.

Councilman Berry said he was worried that there could be a "stampede of nonprofits" seeking fee waivers. He would like to have the discussion first. As a homeowner he would have to pay fees, and he said he thinks it sets a bad precedent to start offering special treatment.

Councilwoman Kelly said that the church was told they wouldn't need to pay one, but they came back and the situation changed.

Councilwoman Lee asked if the Council had done this before, and Mr. Schifano said that the Town has waived fees for service projects in the past.

Councilwoman Kelly said she was prepared to recommend that Council vote to waive the fee tonight. There was discussion about the amount of the fee, \$150, and the fact that the intent of the project is that it be for public use, not just for church members, and that there has been a lot of partnership between the Town and Holly Springs UMC in the past.

**Action:** Motion to waive the fee for the park bench project at Holly Springs United Methodist Church.

**Moved:** Kelly

**Second:** Lee

**Vote:** The motion carried, following a 4 – 1 vote. Councilmen O'Brien and Villadsen and Councilwomen Kelly and Lee voted for the motion. Councilman Berry voted against.

Discussion followed over whether a “response to public comment” section should be added to future agendas.

Mayor Sears discussed crosswalk safety. We are making progress, we’re not there yet. But Raleigh only has one flashing crosswalk, and we have six. He also reminded residents that the ground has been broken for the hospital. It should be a year and a half or two years to completion.

Councilwoman Lee announced that the sixth graders from Holly Grove Middle School won the national prize in the Samsung Solve for Tomorrow competition, with a \$100,000 prize. They presented in New York against mostly high school students. They were also the community choice winner, which won an additional \$10,000 for the school.

Councilman O’Brien said that a resident called him with a question about where to dispose of home batteries. He then gave kudos to Mr. Harrington and staff for responding quickly to that inquiry and implementing a process to recycle batteries at the Town Hall, Hunt Center, and Public Works.

Councilwoman Kelly thanked the staff for helping the Rotary Club to plant trees. They planted 20 trees at Womble Park in an hour. They have 1 more tree to plant in honor of Parish Womble.

#### **11. Manager’s Report:**

No report.

Council went into closed session at 9:47 p.m. pursuant to N.C.G.S. 143-318.11(a)(4) to discuss a potential economic development matter. The Economic Development Director, Town Manager and Assistant Town Managers briefed the Council on a proposed recruitment activity in the Holly Springs Business Park, particularly in the Green Oaks Tech Center. The Economic Development Director briefed the council on current recruitment efforts for code-named incentive projects. No action was taken, and no decisions were made by council as this was information sharing only.

**12. Adjournment:** There being no further business for the evening, Councilwoman Lee made a motion to leave closed session, seconded by Councilwoman Kelly, with a unanimous vote. Councilwoman Kelly then made a motion to adjourn the April 2, 2019 meeting of the Holly Springs Town Council, seconded by Councilwoman Lee. Council members voted to adjourn with a unanimous vote at 10:20 pm.

Respectfully Submitted on Tuesday, April 16, 2019.

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Linda McKinney, Town Clerk

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