



December 17, 2019

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, December 17, 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 four council members were present as the meeting opened.

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

Council Members Absent: Councilman Peter Villadsen.

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*; Beth Trautz, *Planning & Zoning*; Sean Ryan, *Planning & Zoning*; LeeAnn Plumer, *Director Parks and Recreation*; Chris Champion, *Parks and Recreation*; Jay Bruner, *Police Department*; Kendra Parrish, *Director Engineering*; Bronwyn Bishop, *Engineering*; Rachel Jones, *Engineering*; Irena K, *Director of Economic Development*; 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 Bishop Nick Oliver of the Church of Jesus Christ of Latter Day Saints.

4. Agenda Adjustment: The December 17, 2019 meeting agenda was adopted with changes, if any, as listed: None.

Motion by: Berry

Second by: Kelly

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: none

6a. Recognition of Cheri Lee

Mayor Sears said that former Councilwoman Cheri Lee was first elected in 2001. During her tenure the town added around 13,000 residents, which increased her interest in economic development. She served on the Parks and Recreation Committee and the Sugg Farm Committee, and worked hard to bring the old and the new small town together. She worked on the current strategic plan. She worked on the grant applications committee. As a substitute teacher, she is an enthusiastic supporter of children and education. He thanked her for her years of service.

Cheri Lee said she ran for office because she wanted to make a difference in Holly Springs, to be part of something that would make our Town a better place to live. She said that she hoped she accomplished that. She thanked those who were by her side, good times and bad. She thanked the staff, and wished the new Council the best.

Ms. Lee was presented with a few mementos of her time in office.

6b. 12U Boys and 14U Boys All-Star Soccer Teams

Chris Champion, Parks and Recreation, said that SWAC is a branch of the North Carolina Recreation and Parks Association. SWAC is designed to promote interest and participation in recreational athletics and conducts team tournaments at the sectional and state levels in various sports. The SWAC tournaments are comprised of parks and recreation affiliated all-star teams from across the state of North Carolina.

He said that the 12U Boys and 14U Boys All-Star Soccer teams from Holly Springs successfully competed and won against all-star teams from across the state at the competition in Goldsboro over Thanksgiving weekend. He thanked the parents of the boys for their support, the coaches for their dedication, and said that Holly Springs could not have the program it has without the dedication of these coaches.

The boys and their coaches were given certificates and congratulated by the Mayor and Council.

7a. External Auditor Report

Mary Hogan, Director of Finance, introduced Tom McNeish, from Elliot Davis. He thanked the Finance Department for their hard work and cooperation. He gave an overview of the audit process, the financial highlights, the audit report and the findings and recommendations. He said that the fund balance increased by \$2.6 million. The Town has about 3 ½ months of expenditures in fund balance, which is higher than the minimum recommended 2 months.

7b. Holly Springs Police Department Crime Data Report

Randy Harrington, Town Manager, said that he and Chief Herring talked about the HSPD being a community and data driven organization, and the desire for transparency. He said this report was to highlight this transparency.

Captain Jay Bruner, Holly Springs Police Department, said that over the past few years, the Holly Springs Police Department has endeavored to produce a presentation for the Town Council and community that provides information and increases transparency concerning Holly Springs' current crime data, traffic stop enforcement data, and other elements of the Holly Springs Police Department law enforcement operations. The Police Department plans to deliver this presentation annually with updated statistics and information.

He gave an overview of the department and a breakdown of the demographics. He then explained that the UCR is a report that police departments file with the FBI. The data is gathered by individual law enforcement agencies and reported to the FBI to be compiled with data from other locations. He then showed statistics and trends for Murder, Rape, Robbery, Aggravated Assault, Burglary, Larceny, Motor Vehicle Theft and Arson. Next he showed statistics and trends for Drug violations, Simple Assault, Forgery/Counterfeit, Fraud, Embezzlement, Stolen Property, Vandalism, Weapons Offenses, Prostitution, All Other Sex Offenses; Gambling; Offenses Against Family or Child; DWI; Liquor Law Violations; Disorderly Conduct; Obscenity; Kidnapping; Human Trafficking; and All Other Offenses. Next he gave an overview of the reasons for traffic stops, the majority were for Speeding and Equipment violations. He said that the state mandates that traffic stops be reported by race for the purpose of tracking racial profiling. Seventy-two percent of people stopped for traffic violations were Caucasian, 23.1% African American, 2.5% Asian, .08% Native American, and .09% were of undetermined race. He explained that community outreach is the backbone of the department and every officer is expected to participate in forming relationships with residents.

Captain Bruner said that Holly Springs has been ranked as the safest town in NC with a population of more than 25,000 and as the 51st safest in the country. He explained that this was a result of intentional efforts around citizen engagement, diversity and inclusion; recruiting the best talent available; service integrity and accountability; holistic problem solving (partnerships with other town departments); and he said that excellence is the only accepted outcome. Finally, the support

from elected officials has enabled them to be the department they are. Their motto is one department; one community; one family.

Councilwoman Kelly asked if speeding is improving, because the most complaints she receives are around pedestrian safety. Captain Bruner said that the problem is improving and they are making sure that resources are devoted to those complaints. Councilman McGrath asked if there were any trends that the Police Department noticed about distracted driving or other accident causes. Captain Bruner said that they have seen an increase, and that most accidents involve some level of not paying attention. The heavy traffic on Highway 55 actually helps, because drivers cannot go fast enough to not be able to respond. Councilman Berry thanked the Department for what they do each and every day to help Holly Springs continue to be the safest town. Captain Bruner thanked other departments, including IT, Communications and administration for the support that allows the HSPD to do its job. Councilman Wolff thanked the department, and said that his daughter talks about the SRO officer at her school more than she talks about her teachers. He asked if there had been a drop off or increase in participation in the community well check program. Captain Bruner said that it is a new program and they are seeing increasing participation. Mayor Sears said that he was proud of the police and fire departments, and proud of the citizens who are not afraid to call them. He thinks Holly Springs may be the only town with an SRO in every school.

8a. Public Hearing: Rezoning Petition 19-REZ-03, Village Gate

Melissa Sigmund, Planning & Zoning, said that a petition for rezoning was received for property located along S. Main Street near the intersection of Ralph Stephens Road. The property is currently zoned R-20 Residential and CB Community Business. The Petitioner is asking to have the all three tracts rezoned to CB CU Community Business Conditional Use, with the following Conditions offered:

1. All properties within the rezoning request shall be developed in accordance with the mixed use development option in the Community Business zoning district as outlined in Section 3.05 C. of Holly Springs United Development Ordinance. The property owner reserves the ability to request any variances, waivers, or alternate compliance as permitted by the ordinance.
2. All multifamily dwellings on TRACT 1 as shown on 'EXHIBIT 1', shall be limited to age-restricted with associated amenities. 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. Covenants shall be at all times in full force and effect so long as the apartment complex remains as a multifamily use. 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.
3. The developer acknowledges the need to provide workforce housing within the Town of Holly Springs and is committed to doing so. A minimum of fifty (50) dwelling units shall be workforce housing units and shall be located on TRACT 3 as shown on 'EXHIBIT 1'.
4. 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 and the approved Transportation Impact Analysis, 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. Establish a funding partnership with the Town of Holly Springs and NCDOT to provide a fee in lieu in the amount of \$105,000.00 for the construction of the

widening of southbound NC 55 Bypass to provide a third travel lane between Avent Ferry Road and South Main Street.

- B. Widen the northbound Piney-Grove Wilbon Road approach to provide a new through/right turn lane with a minimum of 250 feet of storage length and provide signal modifications to accommodate the geometrics changes. Actual construction of the improvements may utilize the contributing fund from other background developments at this intersection.
 - C. Site Access #1 (as shown on 'Exhibit 3') construct one inbound lane and two outbound lanes with an exclusive right turn lane and exclusive left turn lane with a minimum of 100 feet of storage length. Widen the southbound South Main Street approach to provide an exclusive right turn lane with a minimum of 100 feet of storage length.
 - D. Site Access #2 (as shown on 'Exhibit 3'), construct one inbound lane and one outbound lane (right in/right out only) with appropriate median channelization.
 - E. Site Access #3 (as shown on 'Exhibit 3'), construct one inbound lane and one outbound lane (right in/right out only) with appropriate median channelization. Widen the southbound South Main Street approach to provide an exclusive right turn lane with a minimum of 100 feet of storage length.
 - F. Site Access #4 (as shown on 'Exhibit 3'), construct one outbound lane (right out only) with appropriate median channelization. Widen the westbound Ralph Stephens Road approach to provide an exclusive right turn lane with a minimum of 100 feet of storage length (subject to right of way constraints).
 - G. Site Access #5 (as shown on 'Exhibit 3'), construct one inbound lane and one outbound lane (right in/right out only). Convert the existing median to provide left in access on southbound South Main Street approach with a minimum of 150 feet of storage length; correspondingly, shorten the left turn land storage length at Ralph Stephens Road to 250 feet. Widen northbound South Main Street approach to provide an exclusive right turn lane with a minimum of 100 feet of storage length.
 - H. Widen the southbound Southern Crossing Boulevard approach to provide an exclusive left turn lane with a minimum of 100 feet of storage length.
5. 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.
6. Proposed uses on Tract 2 as identified on 'Exhibit 1' shall be limited to professional office only.
7. To the greatest extent possible, parking shall be located at or behind the front façade of all buildings on tracts 1 and 3 as identified on 'Exhibit 1.'

8. Tract 3 as identified on 'Exhibit 1' shall be limited to mixed-use development containing two or more of the following uses: commercial, multifamily dwellings, professional office, and child care center.
9. For proposed building facades located within fifty (50) feet of the intersection of South Main Street and Ralph Stephens Road and fronting such intersection, shown on Tract 3 as identified on 'Exhibit 1', shall contain first floor commercial uses. Sides and rear facades of such buildings may contain ground floor residential uses.
10. The maximum building height of the proposed development shall be 75 feet.
11. The developer understands that walkability is crucial to this mixed use concept. Therefore, the developer will construct a ten foot wide asphalt public greenway, in accordance with Town of Holly Springs Design and Construction Standards, terminating at the intersection of Ralph Stephens Road and South Main Street with a maximum linear footage of 2,000 feet in a direction and alignment to be determined with town staff at the time of first development plan, within current available public right-of-way.
12. The developer shall provide an "urban art park" within Tract 3 with a minimum size of 6,000 square feet and shall consist of;
 - A. A hard surface patio/stage with a minimum size of 300 square feet for performances and concerts;
 - B. An area for the display of public art with a minimum size of 1,500 square feet;
 - C. A kiosk structure for retail sales with a minimum building size of 144 square feet and 200 square feet of hard surface outdoor dining area patio;
 - D. The Art Park shall be owned and maintained by the developer or current owner of the mixed-use building.

She showed maps showing where the parcels are, west of G. B. Alford Highway, and along Ralph Stephens Road. All the properties would have the same conditions attached to them.

Ms. Sigmund said that the surrounding properties are predominately zoned for commercial uses, with several existing commercial centers adjacent to the various parcels in the project area. She said that no development plans are being proposed at this time. The requested zoning, with the applicant's offered conditions, is consistent with the Mixed Use Center designation of the property per the Vision Holly Springs Comprehensive Plan. It would allow future development of the project area as a commercial and mixed use development compatible with adjacent developed uses.

Rachel Jones, Engineering, said that any projects within the zoning request are required to extend water and sewer infrastructure. Additional public utility studies will be determined at the time of development. She said the transportation TIA was completed. They studied 11 intersections and 5 proposed driveway sites. The developer would be required to pay a fee-in-lieu of constructing the third lane, proportionate to the project's impact. They will construct a northbound through-right turn lane, signal timing modules, and greenway.

There were questions about the look of the light poles, and whether the existing poles would be changed to match.

Councilman Berry asked if the sewer for these parcels would flow to Bass Lake Pump station and what improvements the Town would be committed to. Ms. Jones said the downstream sewer studies would be done by the developer at the time of development.

There are segments of pipe that will need to be improved or enlarged. The sewer study is done at the development plan stage rather than at the re-zoning stage. Councilman McGrath asked what the mechanism would be to require improvements from the developer. Ms. Jones said that at the time of the sewer study, staff would negotiate a developer agreement. Councilman Berry asked if Bass Lake pump station is at capacity. Ms. Jones said that staff would need to look at the data before that could be known, but Bass Lake is nearing capacity. Without having a study to evaluate, she couldn't say today whether there would be pump station upgrades or parallel lines funded.

Councilman McGrath asked about the difference between commercial and residential sewer output. Ms. Jones said that commercial is generally gauged per square footage, while residential is usually per resident, and residential typically has a higher usage.

Councilwoman Kelly asked if this property is on the current evacuation route for schools and if that is looked at in transportation studies. Kendra Parish, Director of Engineering, said that the evacuation route is up Avent Ferry, and South Main Street is not involved.

Councilman Berry wanted to know how we go about making the greenway more useful, rather than one that stops in the middle of nowhere. LeeAnn Plumer, Director of Parks and Recreation, said that they have had conversations about getting the extension. Part of the reason for waiting is to get the development of adjacent parcels to see where we want to connect. They are also waiting for the Parks and Recreation Greenway Master Plan to be completed to see where we want all the greenways to go.

Planning Board Recommendation:

Chris Deshazor, of the Planning Board said that they discussed the following issues and concerns on 11/26/2019:

- Workforce Housing-whether it is premature to include this topic in the voluntary zoning conditions at this time when specific development plans have not been reviewed.
 - *Note: The developer has modified the voluntary conditions to remove specific detailed language regarding implementation of workforce housing so that it may be addressed later during the development review process.*

The Planning Board recommended approval, with the removal of conditions #3 (5-2-2)

Those voting against the motion were:

- *Ms. Patterson: agrees with the project as submitted including all conditions (i.e. supported approval of rezoning will all conditions volunteered by the developer.)*
- *Mr. Crandall: agrees with the project as submitted including all conditions (i.e. supported approval of rezoning will all conditions volunteered by the developer.)*

With that explanation completed, Mayor Sears opened the public hearing. The following input was recorded:

Tony Tate of The Spaulding Group, said that Eli Zablud and Laura Holleman are here to answer questions. He said he has been looking at the property for the last year and a half, and talking to the owners, to see what the best use of their family homestead would be.

Laura Holleman, The Spaulding Group, said that these parcels are part of the mixed-use designation in the newly adopted Comprehensive Plan. Their team has been working on this, going to open discussions about the Comprehensive Plan, and they heard people saying that they wanted something unique that they could latch onto. This plan represents a mixed use walkable development. The request before you tonight represents the results of listening to the business community and residents.

Mr. Tate said in creating the list of conditions on the site, they were trying to make sure the Town gets what it is trying to get. The vision anticipates a full life in Holly Springs from child care to age-restricted residences. They are creating an energy on the street where it is not just drive-by resources, but a community where families can gather. They are committed to workforce housing,

to make sure that the people who work in these jobs can afford to live in the community. He walked through some preliminary ideas about what would be built and what types of businesses would go on the property.

Ms. Holleman walked through the offered conditions. All dwellings on Tract 1 will be age restricted, with a deed restriction. Tract 2 will be limited to professional use only. With the large hospital campus being built, there will be a critical need for medical office space, and this space will be ideal. Tract 3 will have a mixed-use component, with multi-family, commercial, professional office space, and child care.

Mr. Tate showed a map of the roadway improvements planned by others as well as by them. At the intersection of Ralph Stevens and South Main, the pedestrian connections are all coming together.

Councilman McGrath expressed a desire to use more fluid language in the conditions for the art park in Tract 3, since the town is developing a new Parks and Rec masterplan so that as ideas flow in the zoning conditions would not restrict us.

Councilwoman Kelly agreed that the language around the park needs to be less restrictive. And she asked why the detailed language about the workforce housing was removed.

Eli Zabrud, the developer, said that workforce housing is very personal to him because with preschools that he has run in the past they heard over and over again that it was very hard when teachers could not live close to work because they can't afford the housing in that area. As a developer, he made a promise that they would consider having affordable housing when there was an opportunity. He said that there is no enforceable language to base their plan on, but they are totally committed. The Planning Board asked them to remove the specific language that they had in the presentation to Planning Board, but they are committed to at least 50 units of workforce housing.

There was discussion among Council as to whether the workforce housing should be defined at this stage or at the developer agreement stage. Concerns were voiced over the residential/commercial balance, and questions were asked regarding the difference between a development agreement, rezoning with conditions, and a developer agreement.

Mr. Zabrud stated that he was emotionally invested in the project. He said he listened to the neighboring property owners, the town staff, and the planning board in drafting his proposal.

Mayor Sears opened the public hearing.

Colleen Bradley, 305 Avent Meadows Lane said that she likes the new development, but she is concerned about the traffic on Avent Ferry Road. Her commute on 55 from US 1 to Avent Ferry is long now and it will get longer. Traffic is horrendous. She is a surgical nurse and is used to looking at outcomes and patient safety. She is concerned that there will be even more traffic coming off 55 onto Avent Ferry Road in order to avoid the S. Main traffic. If this goes through, she wants the traffic to be addressed. She knows that with the hospital coming in, traffic will increase.

Patsy Yarborough Edwards, spoke in support of the rezoning. Her family lived on that land for over 100 years. Three generations farmed the land until farming was no longer profitable and they sold parts of the land to Walmart and the Hampton Inn. She said their family would feel this project was a good legacy.

Kim Yarborough Vuncannon, 1024 S. Main Street, Holly Springs, spoke in support of the rezoning. Her father felt that the town needed to grow in a commercial way. In 2007 they sold part of the land to Walmart. In 2010 to Hampton Inn. She lives there now, but it is not a place to live anymore. They have marketed the property for 10 years with no success, often because of the Town's restrictions. They are currently isolated by the surrounding properties. She feels this project falls in line with the town goals and would be a good legacy for her family.

Brenda Compton, 400 Stacy Street, Raleigh, NC, a commercial real estate broker, said she represents some of the property owners of Tract 1. They are in support of the rezoning, as are the Whites. She thinks it is in compliance with the long range comprehensive plan. Everyone has been working with the town and she thinks it should be approved.

Stephanie Embry, 304 Mystwood Hollow Circle, in Wildwood, spoke as a representative of Wildwood and said they are in support of the project. She thanked staff and the development team for spending so much time listening to them. They were originally concerned, until they met with Mr. Zablud and his team. She said this is their corner of Holly Springs, and they all agree that this is a good solution for this area. One of the reasons that they like the rezoning, is that the conditions are tied to the rezoning. If something happens and Mr. Zablud doesn't develop the land, the conditions would still apply. They like the workforce housing. They don't think the number of apartments is excessive. They like the idea of the medical office buildings. The plans for the mixed use area please them, and the corner of Ralph Stephens. They need the retail.

There being no further testimony, Mayor Sears closed the Public Hearing.

Councilwoman Kelly had questions about the traffic in and out of Tract 3. She asked if there was only one entrance, and if there was a left in, or a requirement to make a U turn. Councilman McGrath said that this isn't part of the rezoning request. Ms. Jones said there is left turn into Tract 3. There will be a secondary access into the tract and staff will work with the fire department to explore that during the development process.

Councilman Berry asked Ms. Sigmund to clarify density options. He asked if the calculation of the 20% includes all three tracts. Ms. Sigmund said a development plan could include one or more of the tracts. Staff would look at the entirety of the request, however many tracts that would be. Those calculations would be determined in the pre-submittal meeting. Each project is unique, which is desirable, but it means that staff looks at the project before making those calculations.

Councilmen McGrath and Berry expressed the desire to have a developer agreement before rezoning in order to protect the Town in terms of residential / commercial balance and the exposure for sewer upgrades. Councilman Berry would like the greenway connectivity to be memorialized and the light poles upgraded. He said there is a lot of merit to the project, especially the age-restricted housing, child care, and medical offices, but he would like to table it until there is a developer agreement.

Councilman Wolff said that he was excited about the project. He is not as concerned about the density, because there are two sides to it. It's a great opportunity to have the workforce housing. But he agrees that some details need to be ironed out.

Councilwoman Kelly said to the Yarborough family, that she hears that they are passionate about the land and the vision. She hopes we can keep moving forward to discuss the details.

Mayor Sears said that the number of people moving into the Wake County per day, is up from 67 to 100 a day. He's not concerned that there is too much residential.

Action 1: Motion to table Rezoning Ordinance 19-REZ-04 to a future meeting.

Motion by: Berry

Second by: McGrath

Vote: Unanimous

Action 2: Motion to direct Town Attorney to work with the development team to negotiate a developer agreement and to keep Council apprised of the progress.

Motion by: Berry

Second by: McGrath

Vote: Unanimous

8b. Public Hearing: Annexation A19-06 New School Montessori Center

Melissa Sigmund, Planning & Zoning, said that the Montessori Center is an existing school located on Sunset Lake Road near Optimist Farm Road. They desire to be annexed in order to connect to the Town's sewer system. The property is contiguous with the town limits and 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 testimony, Mayor Sears closed the Public Hearing.

Questions were asked about the benefit to the Town of annexation, and potential traffic impacts. It was explained that this is a school that is already in existence and no expansion is planned at this time. They have a septic system that has failed, so they are pumping and removing off site what would normally go through the sewer system. At this point they would connect to the sewer, but not the water. Town would place a temporary meter on a manhole and bill them for their usage that way. In the future when they connect to the water, they would be billed that way. There are not any traffic problems at this time and if they decide to expand then there would be discussions at that time.

Action: Motion to adopt Annexation Ordinance A19-06, annexing 11.22 +/- acres owned by The New School, Inc., more particularly described as Wake County Pins 0669-23-8512, 0669-23-9362, and 0669-33-3491.

Motion by: Wolff

Second by: Kelly

Vote: Unanimous

A copy of Annexation Ordinance A19-06 is attached to these minutes.

8c. Public Hearing: Norris-Holland-Hare House Landmark Designation

Sean Ryan, Planning & Zoning, said that Corey and Nickie Reed, who purchased the Norris-Holland-Hare House from the Town in September, have requested the house be designated a historic landmark, in order to obtain certain tax benefits. Their purchase of the house included a historic preservation easement. He outlined the NCGS authority to designate landmarks, and outlined the tax benefits to an owner of having this designation. On 12/10/2019, the Wake County Historic Preservation Commission met and held a public hearing where they recommended to designate the Norris-Holland-Hare House as a Historic Landmark.

He said the Norris-Holland-Hare house is one of the oldest houses in Wake County, dating to the early 19th century. Landmark designation is an honor that is bestowed on only a few of the county's significant historic properties each year. Landmark designation allows for a 50% deferral of County and Town tax assessments aiding the property owner with rehab and maintenance. Certificates of Appropriateness (COA) are required for any changes to the exterior of the property. Property owners work with CAP staff to make sure all work is done in accordance with Wake County Design Guidelines.

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

There being no testimony, Mayor Sears closed the Public Hearing.

Jeremy Bradham, from Capital Area Preservation, gave a brief history of the house and some of its previous owners. It is the oldest house in Holly Springs. He indicated which parts of the house were original and which were later additions. He discussed the significance of the house as a rare intact example of hall-and-parlor house. He said that WCHPC staff recommends that the Town designate the house as a historic landmark and adopt the associated ordinance.

Action: Motion to adopt Ordinance 19-13 to designate the Norris-Holland-Hare House as a Historic Landmark.

Motion by: Kelly

Second by: Wolff

Vote: Unanimous

A copy of Ordinance 19-13 is attached to these minutes.

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 Councilwoman Kelly and a unanimous vote. The following actions were affected:

9a. Minutes – The Council approved minutes of the Council business meeting held December 3, 2019 and the workshop meeting held December 10, 2019.

9b. Monthly Administrative Budget Amendments – The Council received a report of monthly administrative budget amendments approved by the Town Manager. *A copy of the budget amendment report is attached to these minutes.*

9c. Amendment to License Agreement with Capitol Broadcasting Company – The Council authorized the Town Manager to amend the License Agreement with Capitol Broadcasting Company for the use of Ting Stadium, per the conditions in the agenda packet.

9d. Sugg Farm Restroom Proposal – The Council approved the proposal from Public Restroom Company, Option B, in the amount of \$430,136 for the design, fabrication, delivery, and installation of a restroom unit at Sugg Farm Park.

9e. Annual Zoning Map Re-Certification – The Council adopted Resolution 19-35 certifying the Official Zoning Map for the Town of Holly Springs dated effective October 31, 2019.

A copy of Resolution 19-35 and a certified copy of the Official Zoning Map are attached to these minutes.

9f. Mayor and Town Council Procedures Manual – The Council adopted the Mayor and Town Council Procedures Manual, as revised.

At this point the Mayor called a five minute recess. The meeting resumed at 10:16 pm

10. NEW BUSINESS

10a. 18-MAS-01-A02 / 19-WAV-43-47 Lowe's of Holly Springs Master Sign Plan

Beth Trautz, Planning & Zoning, said that the Development Plan was approved on May 7, 2019. The Master Plan was approved on October 16, 2018, Design Guidelines amended on April 16, 2019 and the property was zoned CB: Community Business on February 19, 2008. She said that a Master Sign Plan is intended to promote consistency among signs within a development and enhance the compatibility of signs with the architectural and site design features within a development and required for projects which require a development plan.

The following waivers have been requested for the Master Sign Plan for the Lowe's / Wegmens integrated center:

- o **19-WAV-43:** Request to allow for a Waiver of Regulations of UDO Section 7.03., G., 1., b. General Sign Regulations calculation of Sign Surface Area to increase the external support structure from 50% to 79%.

- **19-WAV-44:** Request to allow for a Waiver of Regulations of UDO Section 7.03., E., 1., Table 7.03, E-1 Maximum Sign Surface Area and Maximum Height for Freestanding Ground Signs to increase the height of a sign located in a front sign zone greater than 500 linear feet from 8' to 13'.
- **19-WAV-45:** Request to allow for a Waiver of Regulation of UDO Section 7.03., G., 1., c. General Sign Regulation, Sign Surface Area Determination to allow for using three (3) distinct areas that are not abutting.
- **19-WAV-46:** Request to allow for a Waiver of Regulations of UDO Section 7.03., 4., c., (1) Maximum Sign Surface Area of wall sign from an allowable 5% to 6%.
- **19-WAV-47:** Request to allow for a Waiver of Regulations of UDO Section 7.03., 4., c., (4) Maximum Size of Letters from an allowable 48" to a maximum of 122" for Lowe's and 151" for Wegmans.

Planning Board Recommendation:

The Planning Board discussed the following issues and concerns on 11/26/2019:

- There were no issues or concerns and the Planning Board recommended approval (7-0-2)

Councilman Berry asked for clarification about no signs being on the back of the building facing the neighborhood. Ms. Trautz said that was correct. There are no signs on the back and they are taking that square footage to the signs on the front.

Action 1: Motion to adopt Resolution 19-36 to make and accept the Findings of Fact for consideration of and to approve Unified Development Ordinance Waivers.

Motion by: McGrath

Second by: Kelly

Vote: Unanimous

A copy of Resolution 19-36 is attached to these minutes.

Action 2: Motion to approve Master Sign Plan 18-MAS-01-A02 for Lowe's / Wegmans Commercial Master Sign Plan with the conditions stated below.

Motion by: McGrath

Second by: Berry

Vote: Unanimous

Conditions:

1. All previous conditions of approval shall apply to this amendment except for any condition that describes a fee or a fee-in-lieu to be paid shall now comply with the current amounts due pursuant to the town's current annual budget or any unexpired development agreement.

10b. 19-DP-14 Holiday Inn Express Development Plan

Sean Ryan, Department of Planning & Zoning, said that the Collins Park Master Plan was approved on June 7, 2016. The parcel was zoned CB: Community Business on October 15, 2002. The proposed project is a 61,740 square foot, 4 story, 103 room Holiday Inn Express (*Development Plans with buildings greater than 20,000 square feet require Planning Board review/recommendation and Town Council determination.*) They are providing 109 parking spaces. The landscaping plan matches the Collins Park development agreement.

The following waivers have been requested:

- 19-WAV-33: to allow for greater than 75% of the provided parking between the front building line and front lot line
- 19-WAV-34: to allow a reduction in windows and glass doors on the north façade (facing the IHop) lower level from 40% to 24% and upper level from 15% to 5%

- 19-WAV-36: to allow an increase in building bay width on the east elevation from 30 feet to 35' 5"
- 19-WAV-35: to allow an increase in continuous roofline from 50 feet to 52 feet on the south and west elevation

Rachel Jones, Engineering, said that connection to existing water and sewer was constructed with the Collins Park Master Plan. The studies have been completed, and the sewer flow is within the limits that have been approved. A TIA confirmation letter for the 2020 buildout was completed and it was within the parameters approved with the Collins Park TIA. All Collins Park transportation improvements must be complete prior to CD approval.

Councilman Berry asked if the sewer was connected to Bass Lake or Basal Creek pump station, and if there was any impact recorded. Ms. Jones said Bass Lake, and there is expected to be a fee, but the impact is not expected to be significant and no additional improvements are expected.

Councilwoman Kelly asked if the hotel will have conference rooms, so more parking would be needed. Mr. Ryan said the conference room is only about 800 sq. ft., but the hotel has supplied additional parking to account for that.

Planning Board Recommendation:

Chris Deshazor, Planning Board, said that the Planning Board discussed the following issues and concerns on 11/26/2019:

- If the amount of parking provided was sufficient. There was discussion as to whether the UDO requires enough parking for hotels, with one parking space per room required. The applicant has provided 6 spaces above the minimum required by the UDO. *Staff Note: This proposed project is located within the Collins Park "Integrated Center" where the various outparcels will all be interconnected providing the ability for customers to utilize parking throughout the "integrated center".*

The Planning Board recommended approval (7-0-2)

Mike Stewart, with Stewart Engineering, said that he asked the President of Crown Travel Management Group to address concerns about the parking. He said: In reference to parking the 109 spaces for 103 rooms, meets our needs and meets the brand. He said many guests are using Uber and Lift which opens up parking. They have locations with this same percentage in other towns and have not had a problem with the parking.

Action 1: Motion to adopt Resolution 19-37 to make and accept the Findings of Fact for consideration of and to approve Unified Development Ordinance Waivers.

Motion by: Wolff

Second by: Berry

Vote: Unanimous

A copy of Resolution 19-37 is attached to these minutes.

Action 2: Motion to approve Development Plan 19-DP-14 for Holiday Inn Express with the conditions stated below.

Motion by: Wolff

Second by: Kelly

Vote: Unanimous

Conditions:

1. All previous conditions of approval for Collins Park shall apply to this plan except for any condition that describes a fee or a fee-in-lieu to be paid shall now comply with the current amounts due pursuant to the town's current annual budget or any unexpired development agreement.
2. The following must be completed prior to or with the first Construction Drawing submittal:
 - a. All items listed on the Stormwater Submittal Checklist, Form #16003.
 - b. Finalize the FFA hydraulic report.
3. The following must be completed prior to Construction Drawing approval or issuance of land disturbance permit:
 - a. All infrastructure improvements approved with the Collins Park Master Plan must be completed and approved; including utilities and all required road improvements for Ralph Stephens Road and NC 55 including right-of-way dedication and thoroughfare widening.
 - b. A fee-in-lieu of downstream sewer infrastructure upgrades proportionate to project impact is required with this development.
 - c. Any off site sewer and/or water facilities needed to serve this project, must be completed prior to construction drawing approval unless otherwise approved by the Director of Engineering. The Town is not responsible for completion of off-site sewer and/or water facilities, and will not guarantee completion of such facilities by any other party.
 - d. Approval of Stormwater Management Plan is required.
 - e. Payment of the Stormwater Fee-in-Lieu.
 - f. All environmental permits must be obtained
 - g. Final Plat must be recorded for the subdivision of this property.
4. A UDO Permit for Sign Installation for permanent signage is required.

10c. 19-DP-15 / 19-WAV-29 Holly Springs Road Office Building

Melissa Sigmund, Planning and Zoning, said that a request has been made for a Development Plan to preserve and convert a 2,032 SF historic residential structure into an office building. The house was built in about 1914 and it retains its historic integrity. It was identified on the Wake County Survey of Historic Properties and has been subsequently investigated by Capital Area Preservation to gain more information about the building's historic features and current condition. This property is not affected by the Holly Springs Road widening project.

She said that the owner wishes to convert the residence into office use. A waiver request has been made in accordance with the Town's Historic Structures incentive ordinance, which would allow for the use of non-hard-surface off-street parking as well as an exemption from commercial architectural standards. There is a large tree that they are requesting permission to remove, as it is close to the building and is damaging the foundation. In exchange for these exemptions, the applicant must provide significant assurances that the preservation, rehabilitation, or adaptive reuse of the historic structure is consistent with the intent and purpose of the UDO. Any project that is requesting the use of Incentives for the Preservation, Rehabilitation or Adaptive Reuse of a Historic Structure is subject to review and recommendation by the Planning Board and determination by the Town Council. There will be slight changes to the roof and the bay window, and the addition of a ramp. But the historic character will be preserved.

Planning Board Recommendation:

The Planning Board discussed the following issues and concerns on 10/22/2019:

- Parking
 - Sufficient parking has been illustrated to meet the requirements of the UDO, provided the waiver of hard surface parking is granted.
- Use/division of office space
 - Applicant indicated that they would prefer to lease to a single tenant
- Status of the rehabilitation agreement

- At the time of Planning Board, the applicant was working with Capital Area Preservation on the details of the Easement and Rehabilitation Agreement.

Planning Board Recommendation:

The Planning Board recommended approval (9-0-0)

Staff Note: Planning Board Condition #2 has been removed since it has been satisfied:

2. Prior to Town Council, the following must be completed:

- a. A copy of the executed Rehabilitation Agreement for preservation of the structure must be submitted to the Department of Planning & Zoning.

The applicant offered to answer questions. Councilwoman Kelly thanked him for being willing to save the house, and asked for clarification that they were looking for one business to locate in the building. The applicant said yes, just one business.

Action 1: Motion to approve 19-WAV-29: Request to allow for a Waiver of Regulations of UDO Section 1.23 Request for Incentives for the Preservation, Rehabilitation, or Adaptive Reuse of Historic Structures for Petition #19-DP-16 for Holly Springs Rd Office to allow an exemption of hard surface off-street parking requirement and exemption of exterior building façade modifications from the Building Material, Colors, Textures, Architecture, Roof Treatment, and Façade Modulation requirements and additions as submitted by Thompson & Associates, dated Revised 10/11/2019.

Motion by: McGrath

Second by: Kelly

Vote: Unanimous

Action 2: Motion to approve Development Plan 19-DP-16 for Holly Springs Road Office Building as submitted by Thompson & Associates, dated revised 10/11/2019, with the conditions stated below.

Motion by: Kelly

Second by: McGrath

Vote: Unanimous

Conditions:

1. If site lighting is added, a point-by-point photometric plan in conformance with lighting levels specified in UDO Section 7.02 shall be submitted to and approved by the Department of Planning & Zoning prior to installation.

10d. Parks, Recreation, & Greenways Master Plan Update Contract

LeeAnn Plumer, Director of Parks and Recreation, said that Town Council authorized staff to move forward with updating the 2008 Beyond the Green Parks & Recreation Master Plan, as outlined in the strategic plan and approved in the FY20 budget. This updated Parks, Recreation & Greenway Master Plan will provide an inclusive framework for orderly and consistent planning; acquisition; development; and administration of our parks and recreation resources, greenway network, programs, and facilities. The planning process, which will engage local stakeholders with public input, will provide a foundation for understanding and responding to the growth of our community. This updated plan will assess current and future parks, recreational & greenway needs, evaluate feasible options, develop a strategic action plan, and budget for long-term and phased-in development and improvements for improved citizen services.

She said that five bids were received from both local and national consulting firms in response to the Town's Request for Proposals. The review team, comprised of representatives from the Town Manager's office, Planning, Engineering, Parks & Recreation and the Parks & Recreation Advisory Committee, conducted interviews with the three top-ranked firms. After

thorough consideration, the review team selected McAdams to serve as the lead consultant with partners PROS Consulting, ETC Institute, and HH Architecture. This multi-disciplinary team has the combined skills and experience to successfully undertake the various aspects of this project including a site inventory, GIS mapping & greenway network analysis, community engagement, a statistically valid public input survey, future facilities analysis, operational & maintenance review, financial & revenue strategies, and a 10 year action/implementation plan. The Public Sector team from McAdams most recently completed Comprehensive Parks & Recreation Master Plans for the Towns of Garner, Morrisville, Rolesville and the Cities of High Point, Fayetteville, and Concord.

The proposed scope of work has an expected timeline of 12 months with a kick off scheduled to begin in January 2020. Multiple avenues of citizen engagement will be utilized including public meetings, stakeholder interviews, web/social media campaigns, and interaction with the Parks & Recreation Advisory Committee.

Councilman McGrath asked if there was any possibility of having a community action group with a resident from every community around that would have access to these greenways. Ms. Plumer said they could be included as stakeholders. Councilman Wolff said that he had spoken to the Mayor of Cary and he had nothing but good things to say about McAdams and particularly how they conducted the community engagement.

Councilman Berry said he is glad to see this, because he believes in a rolling plan to update all of the town plans.

Action 1: Motion to award a contract to McAdams in the amount of \$162,940 for professional services to update the Parks, Recreation & Greenways Master Plan, as Section 3 of the Town's Comprehensive Plan.

Motion by: Berry

Second by: Kelly

Vote: Unanimous

Action 2: Motion to approve budget amendment transferring \$162,940 from Parks & Recreation Reserves to General Fund Contract Services (10 425.27 12.05)

Motion by: Berry

Second by: Kelly

Vote: Unanimous

A copy of the budget amendment is attached to these minutes.

10e. Land Donation of 7 acre tract by Larue M. Powell (Rex Road Tract)

John Schifano, Town Attorney, said that a resident who owns land in southern Wake County wanted to express her appreciation of the Town, and specifically the Police and Fire Departments, by donating land to the Town. He said IRS regulations allow tax deductible donations to the Town in the amount of the fair market value of the land, so long as the Town uses the land for a public purpose. He said there are no deed restrictions on the land for a particular use by the Town. The Town was approached by the landowner and her representative earlier this year regarding the Town's willingness to accept land as a charitable donation. The landowner desires to donate a 7-acre tract on Rex Road (as shown on the attached map) to the Town for use for a public purpose. Staff recommends accepting the donation, which could become a strategic site for a future Town facility (such as a fire station) as the Town grows. The landowner will receive a letter from the Town agreeing to a donation in the amount of the appraised value. The landowner has obtained an appraisal at her expense.

Action: Motion to accept donation of a 7 acre tract of land on Rex Road.

Motion by: Berry

Second by: Kelly

Vote: Unanimous

11. OTHER BUSINESS

None that required action.

12. MANAGER'S REPORT

Randy Harrington, Town Manager, mentioned the Sensory Santa event, and other holiday events in town, including the tree lighting and the parade. He recognized Tamara Ward who did an amazing job organizing the parade. He also recognized the police, Tim Congleton for 25 years of announcing, and Don Schweingar who announced for the first time this year. He said the Fire Department had a cookies with Santa event. He's proud of the staff and all the efforts they put forward at this busy time of year.

He then recognized Corey Petersohn and Mary Hogan for the Government Finance Officers Association Distinguished Budget Presentation Award. It's an award that not many towns receive. Only 1600 cities and counties in the nation receive this award. This is an important award because it recognizes best practices in finance and budgeting. This is our first time receiving it, and he recognized Mr. Petersohn's and Ms. Hogan's hard work.

13. Closed Session: At 11:00 pm Councilman Berry made a motion to go into closed session to instruct staff concerning negotiations on the acquisition of real property, pursuant to NCGS 143-318.11(a)(5), and to consult with the Town Attorney pursuant to NCGS 143-381.11(a)(3). The motion was seconded by Councilman Kelly and passed with a unanimous vote.

Councilman McGrath made a motion to seal the minutes of the closed session and return to open session. It was seconded by Councilwoman Kelly and the vote was unanimous.

14. Adjournment: Councilman McGrath made a motion to adjourn at 11:40 pm. It was seconded by Councilman Berry and passed unanimously.

Respectfully Submitted on Tuesday, January 7, 2020.



Linda C. McKinney, Town Clerk

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