



# Town of Holly Springs

## Town Council Meeting Agenda Cover Sheet

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### Agenda Item: 6a

#### Consent Agenda

**Title:** Minutes

**Strategic Priority Area:** Organizational Excellence

**Staff Resource:** Linda McKinney, Town Clerk

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#### **Action(s):**

Approve the minutes of the Council's business meeting held November 19, 2019.

#### **Explanation:**

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

**Funding Source(s):** N/A

#### **Attachment(s):**

- Minutes from November 19, 2019.



November 19, 2019

## MINUTES

The Holly Springs Town Council met in regular session on Tuesday, November 19, 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, Peter Villadsen, and Dan Berry, and Councilwomen Cheri Lee and Christine Kelly.

**Council Members Absent:** none.

**Staff Members Present:** Randy Harrington, *Town Manager*; Daniel Weeks, *Assistant Town Manager*; Scott Chase, *Assistant Town Manager*; John Schifano, *Town Attorney*; Linda McKinney, *Town Clerk* (recording the minutes); Cassie Hack, *Director Communications and Marketing*; Tamara Ward, *Communications and Marketing*; Mark Andrews, *Communications and Marketing*; Mathew Mutter, *IT*; Gina Clapp, *Director of Planning and Zoning*; LeeAnn Plumer, *Director Parks and Recreation*; Kendra Parrish, *Director Engineering*; Dirk Siebenbrodt, *Engineering*; Tim Athy, *Engineering*; Aaron Levitt, *Engineering*; Rachel Jones, *Engineering*; Irena K, *Director of Economic Development*; John Herring, *Chief of Police*; and Leroy Smith, *Fire Chief*.

2. The Pledge of Allegiance was recited, led by Cub Scout Pack 66 AOL Den.
3. The meeting opened with an invocation by Jonathan Sherrod of the Kirk of Holly Springs.
4. **Agenda Adjustment:** The November 19, 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: none

### **6a. Monarch Behavioral Health Urgent Care**

Brian Maxey of Monarch Behavioral Health said that Monarch Behavioral Health Urgent care provides a walk-in service for individuals age 4 and over who are experiencing a behavioral health crisis. The Urgent Care is located in Raleigh. He explained that this location is not for routine outpatient services or inpatient/emergency services. There are Monarch Clinics in Cary, Fuquay Varina and other parts of Wake County for people who need to be evaluated. He said that walk-ins are welcome. Mr. Maxey said that they collaborate with local hospitals, emergency departments and community providers and have access to crisis stabilization services for mental health or substance abuse disorders. When bringing someone to them, they need to know the patient's presenting problem or condition, current medications, medical and treatment history, and insurance or payment information. He shared the location and hours of operation of the clinic. There are

Licensed Clinical Social Workers (LCSW) Psychiatric Nurse Practitioners (PNP) and Psychiatrists on staff, so there are all levels of care available.

### **6b. Holly Springs Express Route Bus Service**

Bret Martin, Capital Area Metropolitan Planning Organization (CAMPO) gave an overview of the public transportation system in Wake County, on how the Holly Springs bus service came to be, and what governs the investments at a programmatic level. In 2016 the Wake Transit Plan was formed. There were 4 big themes associated with this plan: Connect the region; Connect all Wake County Communities; Provide frequent, reliable urban mobility; and Enhance access to transit. Rolesville and Holly Springs were the only communities in the county not connected. Rolesville bus service began in October, and now Holly Springs' service is about to begin. For the bus component a Wake Bus Plan was developed. It laid out the strategic phase-in of bus services, including a project priority plan that all communities would be connected by FY 2021. There is a specific budget plan attached to the service which defined the frequency, the start time, and the hourly service. It includes Bus Route 311 with service to Apex and RTP, and Bus Route 305, commuter service to Apex with connection to Raleigh. The budget also included funds for a park and ride station in Holly Springs and a connection point in Apex.

Questions were asked about the frequency of busses, who the anticipated riders would be, and how long it would take to get from Holly Springs to Raleigh or RTP. Council expressed a strong desire to make this a success. It is anticipated that this will be a commuter route, used by people going to work and students going to school. It currently takes 75 to 90 minutes to get to Raleigh, but CAMPO and GoCary are investigating other routes to shorten that time.

Dirk Siebenbrodt, Engineering, said that the Holly Springs Express Route Bus Service will provide weekday peak commuter service between Holly Springs, Apex and Cary via Williams St. / NC 55, Salem Street and Old Apex Road with three morning round trips between 6am and 9 am, and three afternoon round trips between 4 pm and 7 pm. Phase 1 is anticipated to begin service in early 2020 with one bus stop at the existing bus shelter in the Holly Springs Towne Center. Two additional bus stops will make up Phase 2, later in 2020, one near South Main Street, and the other on Main Street near Town Hall.

Mr. Siebenbrodt said that in 2016 Wake County voters passed a ½ cent local option sales tax that supports the Wake County transit plan. The Town's Comprehensive Transportation Plan (2011) included the need for this bus service line. He said that GoCary will provide \$55,000 one-time funding to construct a bus shelter.

Mayor Sears asked when bus schedules would be finalized, and how will they be communicated to the public. Mr. Siebenbrodt said that staff will work with GOCary to have events, to publish the bus route schedule, and to use social media to get the word out. Right now there will be one bus stop location, which will begin service in early 2020. Staff will give updates at Town Council meetings and on social media as the program is rolled out.

Mr. Martin said the actual schedule is under development. A draft schedule has been developed by GoCary staff, but it is not ready to publish because there are still alternatives being investigated. Once it is settled, a schedule can be finalized.

Questions were asked about how the plan was devised and how success will be measured. Randy Harrington, Town Manager said that staff would look at ridership and on-time performance to measure the success of the program. Mayor Sears said that this is a great start, but it's open for tweaking as we go along.

### **6c. Transportation Bond Projects Update**

Tim Athy, Engineering, gave an update on the status of the transportation bond projects. A \$40 million Transportation Bond referendum passed on November 6, 2018. Six "green projects" are town driven and are 100% locally funded. The "Purple projects" require partnerships. He said that for the "green projects" the Main Street Right Turn Lane was due to be presented to Council in December 2019 with construction estimated to begin in spring of 2021; the NC 55 right turn lane will be presented to Council in January 2020 with construction estimated to begin in summer 2021;

Grigsby Avenue improvements are estimated to begin construction in the spring of 2022; Aventura Ferry Road re-alignment construction is estimated to begin in summer of 2022; the Estes Lane connection construction is estimated to begin spring of 2022; the Holly Springs Road widening will come before Council in early 2020 and construction is estimated to begin in summer 2021. For the “purple projects” the LAPP grant applications were submitted to CAMPO on October 31, 2019 for partner funding. The LAPP Grant selections will be announced in early 2020. Developers’ fee-in-lieu will also contribute to these projects.

Councilman O’Brien said that there are a lot of projects going on, so kudos to the staff. He said he knows that the public wants it to happen right now, but it takes time. Councilwoman Kelly thanked Mr. Athy for the map. She suggested that it might be put on the website, along with other projects that are going on in town, so that the public knows that construction projects include sidewalks, and not just roads.

#### **7a. Public Hearing: 19-SEU-10 100 Calderon Place**

Sean Ryan, Planning and Zoning, said that there has been a request for a Family Child Care Home at 100 Calderon Place. The purpose of the hearing is to consider a Special Exception use to allow for a child care home at this address. State statute defines a Family Child Care Home as child care located in a residence where more than 2 but fewer than 9 children receive child care. The request is to care for 5 children, other than the applicant’s own. Drop-off time will be from 6 am to 8 am, and pick-up time from 4 pm to 7 pm. The UDO does not have any additional requirements for the operation of a Family Child Care Home.

Ernie Carpico of the Planning Board said that they discussed the following issues and concerns on 09/24/2019:

- How compliance is monitored. It was explained that staff would investigate noncompliance if a complaint were submitted.
- They asked if the HOA was opposed and were told that they were not.
- How many requests the town typically receives for this use. Staff indicated that five permits have been requested since 2009.
- If adjacent property owners would be notified. Staff explained the public hearing procedures, which include mailed notice of the hearing and posting a sign on the property. The application was also posted on the Town website when it was received.

The Planning Board recommended approval with a vote of 8-0-1 [Recusal.] Ms. Dana Rybak recused herself from voting since she sits on the Sunset Oaks HOA Board.

Mayor Sears opened the public hearing. The following sworn testimony was recorded:

The applicant, Ravin Floyd, 100 Calderon Place, said this is a Special Exception Permit, the way it’s worded it seems that I am opening a child care center, and that is definitely not the case. The way this came about is that I was reporting as having an illegal operation of a business out of my home. I was asked if I was operating a child care out of my home. I said that I have three nephews who come stay with my while I am out on two year medical leave, and my 18 year old daughter watches two children during the summer. So I have three family members that were coming, and two that my daughter was watching. Unfortunately after a long process of reading the definition of a child care home, I found that any children other than my own children would count toward a child care home. My foster care daughter, who is not legally adopted, counts as a nonfamily member. The town of Holly Springs has helped me with this long process. Originally the permit was put in for 8 kids, per recommendation from the Town of Holly Springs, only to just make sure that if there was birthday party or anything was to happen, we wouldn’t go over our limit of how many kids we were allowed to have. During that process, after looking into it, that would require me to have a built in fire extinguisher system put into my home. Which we were never even wanting to have 8 to 9 kids in the home, that was just a safe zone. So we brought the limit down to 5 which is the kids who have been coming to my home. During this time the one thing that was brought to my

attention was the traffic, or the parking. I understand the concerns about parking, given where my driveway is and the number of cars owned by my family, we have parked on the main street. Someone complained about that. Our car was involved in an accident while it was parked on the street. We have added an extension to our driveway so that it is now a five car driveway to avoid these problems. We contacted our HOA to be sure that we were compliant. This is not a commercial business. The police returned again, and the State came to inspect. They looked at every room in the house, and investigated the children. The State does not count the children who are related to me against the child care limit, but given the number of complaints, the state recommended that we get the permits. The two children I am keeping that are not my relatives are the children of school teachers. They cannot afford other child care and I should not be bullied into stopping caring for these children.

Mayor Sears asked if there were questions.

Councilman Berry asked if she received compensation for the children. Ms. Floyd said just the two that are not family. Councilman Berry asked if their HOA permits in home businesses in the neighborhood. Mr. Floyd said the HOA said that there is nothing in the HOA bylaws that prohibits an in-home business. Councilwoman Lee asked for clarification that her foster daughter is not considered one of your children. Ms. Floyd said the state interprets a foster child as being family, but the Town does not. She said they are a large family, which does create a lot of traffic in itself. The SEU will put this question to rest. Councilman O'Brien asked how many cars drop off and pick up. Ms. Floyd said that during the summer when this started there were more than there are now, because one of her nephews was going back and forth. Now it is limited to four vehicles that drop off and pick up. Three for relatives, and one for the other two children. Everyone has been told not to park on the road, to park in the driveway. Councilwoman Kelly asked if this permit stays with the property, or the applicant. John Schifano, Town Attorney, said it stays with the applicant, not the property.

Eric Robins, 212 Arborhill Lane, said he would like to say that the application does not state the facts correctly. The size of the property as identified on the application is  $\frac{3}{4}$  of an acre, but based on the County records it is .38 acres. Based on that gross misrepresentation the application should be denied with prejudice. He said the traffic was his biggest concern. They are asking for drop off between 6 am to 8 am which is when his children are walking down the street to go to school at the time that she is having drop off. There are 4 or 5 stop signs in the neighborhood and no one stops at them and, he said, we should not be inviting people who do not have a vested interest in this neighborhood to come in. We should be looking at ways of stopping, of asking people not to come in. And he thinks that is being overlooked. The issue of the driveway etc. is irrelevant. Whether or not she is making money off of it is not relevant. The reason this is a Special Exception is that the zoning rules are there for a reason. This is a residential neighborhood and we should not be allowing extra traffic. There are more than enough empty spaces in the community and in the town where you could open a business. He asked Council to deny the request.

Councilwoman Kelly asked if he had spoken to the HOA. Mr. Robins said he contacted Ms. Rybak. He said it is hearsay, but since Council asked he would answer. He said that Ms. Rybak said that they have not applied or asked the HOA to approve it or not. He was led to believe that if the Town approves it then HOA gets the second bite of the apple. Councilwoman Kelly asked when he asked the HOA. Mr. Robins said it was in October so it was before the hearing was announced. Councilwoman Lee asked if the HOA had a set rule. Mr. Robins said he didn't think the HOA's rules should be relevant to the Town. This should not be approved.

Daniel Gravis, said he had more questions for the planning board. He said he wasn't intending on speaking because he saw that they approved it 8 to 0. When he saw that he thought it wouldn't make any sense to speak. He would like to know what efforts or monitoring the Planning Board did, how much time they spent in the neighborhood, and what resources the police department or the Planning Board spent in the neighborhood to monitor or look at traffic. He asked if he was allowed to ask the Planning Board what they did.

John Schifano, Town Attorney, said that Council is finding facts. So the sworn witnesses need to present facts to the Council, not the other way around. He explained to the witness that he was there to testify to facts, not to ask questions of the Council or Planning Board.

Mr. Gravis asked if in the future there is a violation, who he would complain to. As a resident of Calderon place, he said, he asked what the Planning Board did and he was being silenced. Mr. Schifano said no sir, you are not being silenced, you can talk as much as you like about the facts of this case. To answer your question, the Planning Department monitors these uses according to the UDO. If there are violations, a homeowner who witnesses those violations can make a report to the Planning Department who can investigate and take enforcement action. But this process is set up for the Town Council to hear your testimony. Councilwoman Lee asked if she could ask these questions. Mr. Schifano said yes, she could cross examine any witness giving sworn testimony.

Mr. Gravis said he called the HOA and in 2006 when he moved here Ryan Properties came before the Council and said this is what our neighborhood should be. He invested in the neighborhood. The HOA said if there is not an existing law on the books then it would have to be changed within the bylaws or the declarations that Ryan properties put forward. That was his understanding. He lives in the neighborhood. He sees it is 8-0 so he guesses it's a waste of time.

Councilman O'Brien called Mr. Carpico back up. He asked if there were any residents at the Planning Board meeting at all. Mr. Carpico said there were not. They asked a lot of questions and delved into it deeply, but they had no public feedback at all. Councilman O'Brien asked if the applicant provided the additional parking. Mr. Carpico said yes, and it was up to code.

Councilwoman Kelly asked if Planning Board asked about the HOA approval. Mr. Carpico said they were advised that there was no opposition from the HOA, not that it was approved or not approved, but that there was no opposition.

Councilman O'Brien asked the Town attorney what would happen if Council approves this and the HOA denies it. Mr. Schifano explained that they would be in violation of their covenants, and would be told to stop. He said that HOA covenants are a contract between the residents. Councilman Berry said the Town's permit being granted would have no bearing on their violation of the covenants.

Mayor Sears said that Mr. Gravis implied that if the Planning Board recommends something it is a rubber stamp. He wanted to say that that is not true, that there have been times when the Planning Board recommends something and Council denies it.

Councilwoman Kelly called the applicants back. She asked what they meant by "several board members have approved this project" Mr. Floyd said that was in reference to the HOA approving the driveway expansion. However, he said he had the email response from the HOA and it says "Per the covenant of Sunset Oaks there is not a restriction of business clause." From his understanding, their compliance would be monitored by whether there are any other complaints. Ms. Floyd said she knows that the Town doesn't come out and inspect. So this is one stepping stone. Her next stepping stone is the State, and she will do that next. This is to prevent the police coming out again and inspecting her house while the children sit on the couch. The State will do home safety inspections, nutritious meals, vaccination records, etc. the state goes much deeper than the Town requires. But she has to have this permit from the Town before they can start this process with the state.

Councilwoman Kelly asked what her neighbors were saying. Ms. Floyd said she did go around and speak to neighbors and got much support. The only complaint was the traffic and parking, which is why they expanded the driveway. However, when she took her kids trick or treating, she was told that there was a neighborhood Facebook page and she was a star. It said that if the child care home was approved the next step would be a crack house. She joined the Facebook page, and said what she was doing and what would be happening. She said she didn't know what to expect, because she had heard hateful things. She got many, many, comments saying that they need to ask questions before judging, and she got way more approval than denial. She spoke to all the direct neighbors, and most said they didn't know anything was going on, and the few that did offer complaints, said that the parking was the only problem.

Mr. Schifano said "We need to reign in the comment on social media. Only in this room, under sworn testimony, can you accept factual information."

Councilman O'Brien asked if the permit would continue after her medical leave ends.

Mr. Schifano said that by default it would be as good long as she is working this, but Council can sunset it if they want to. Ms. Floyd said she was hoping to return to work in a year and a half.

Councilman Berry asked if the driveway approval was completed. Ms. Floyd said it has been completed and inspected. Councilman Berry asked if people dropping off and picking up were using the driveway and not parking on the street. Ms. Floyd said yes, and two of their cars are gone during the drop off and pick up time, so there is only one car in the driveway at that time. She said that during the process of doing this, she discovered that as long as a child was in her care for less than 4 hours, she did not need this permit. She said that is not what they are trying to do here. These are the same children who were there before any of this permitting was mentioned. She is not trying to start a business.

Councilman O'Brien said it does say  $\frac{3}{4}$  of an acre on the application, with a lot size of .38. Is that a typo? Mr. Floyd said yes. Councilwoman Lee asked if this was Monday – Friday only. Ms. Floyd said yes, although during the summer time it gets more chaotic due to her nephew being picked up for preschool and brought back. But going forward she will allow drop off and pick up only, no more going back and forth.

Councilman O'Brien asked if there was any other business like this in Sunset Oaks. Mr. Ryan said not that staff has been able to find. There have been five applications town wide since 2009. Councilwoman Kelly asked if they were still active. Mr. Ryan said staff does not know but are in the process of contacting those they have contact information for to see if they are.

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

**Action:** Motion to adopt Resolution 19-33 to make and accept the Findings of Fact for consideration of and to approve Special Exception Use, with the conditions stated in the packet.

**Motion by:** Villadsen

**Second by:** Berry

**Vote:** Unanimous

*A copy of Resolution 19-33 is attached to these minutes.*

## **8a. 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:

8a. Minutes – The Council approved minutes of the Council business meeting held November 5, 2019 and the workshop meeting held November 12, 2019.

8b. 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.*

8c. Strategic Transportation Prioritization Sidewalk Application – The Council approved a Strategic Transportation Prioritization application for seven Holly Springs Capital Improvement Plan sidewalk projects.

8d. Insurance Proceeds Budget Amendment; Police Vehicle – The Council approved a budget amendment moving \$1,851 from insurance proceeds to vehicle maintenance. *A copy of the budget amendment is attached to this report.*

8e. Insurance Proceeds Budget Amendment; Public Works Vehicle – The Council approved a budget amendment moving \$5,603 from insurance proceeds to maintenance and repair equipment. *A copy of the budget amendment is attached to this report.*

8f. Street Tree Infill Contract – The Council approved a contract with Davis Landscaping, not to exceed \$20,000, for the street tree infill and replacement program.

8g. Reclass of Deputy Clerk Position – The Council approved the reclassification of the Deputy Clerk position to Administrative Assistant/Deputy Clerk.

## **9. NEW BUSINESS**

### **9a. Development Plan 06-DP-11 / 19-WAV-32 Seqirus**

Sean Ryan, Planning and Zoning, said that Seqirus has requested approval for a warehouse expansion with a 40,065 square foot footprint. This is a 38% increase, which is over the 25% increase which can be approved at the administrative/staff level and so is coming before Council. A parking reduction waiver has been requested to allow an additional 16 spaces (3%) to be added to the land banked future parking area, bringing the total parking reduction to 112 spaces, or 17% of the required parking for the site. The elevation matches the existing facility.

Rachel Jones, Engineering, said there is existing water and sewer on site. There are no changes to the transportation facilities. A trip generation letter was submitted, that used a recent traffic count (August 2019) and this development is still within the parameters for the previously approved TIA.

Ernie Carpico of the Planning Board said that they discussed the following issues and concerns on 10/22/2019:

- The board asked for an overview of site security.
- No additional items were discussed

He said that they are only adding 8 additional employees, so the Planning Board was happy to approve the waiver. The Planning Board recommended approval with a vote of (9-0-0).

Kevin White and Eddie Taylor from Seqirus spoke for the applicant. Mr. White said that the expansion is to allow space for an additional 2000 ambient pallet locations and 1400 cold storage pallet locations to support the ongoing Fill Finish Expansion Project, which includes a new high-speed syringe line. He showed elevations of the finished expansion and gave a timeline for completion, which began with a site plan approval in December 2019, and completion and COA in September of 2021.

Councilwoman Kelly asked if, with this expansion, they are expecting more trucks in and out of the site. Mr. White said that they are making more product so there will be more trucks, but they are going to schedule so it should not come during the peak commute time. Mr. Taylor said that normally pickups are during regular business hours, but sometimes trucks run late so they can't promise trucks will never come during that time.

Jack Kemp, Remy and Associates, said that they did the trip generation for this project. They looked at the peak periods, and there is a minor increase in staff, but they projected traffic out by square footage and it was still well below the original TIA.

**Action 1:** Motion to make and accept the Findings of Fact for consideration of and to approve the Unified Development Ordinance Waiver

**Motion by:** O'Brien

**Second by:** Lee

**Vote:** Unanimous

**Action 2:** Motion to approve Major Amendment to Development Plan #06-DP-11-A11 for Seqirus with the conditions stated below.

**Motion by:** Berry

**Second by:** Lee

**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.
2. All environmental permits must be obtained prior to construction drawing approval and/or issuance of a land disturbance permit for the entire project.
3. The Hydraulic FFA Report must be finalized and approved prior to Construction Drawing Approval.

**9b. Development Plan 19-DP-01-A01 / 19-WAV-28 Holly Springs Long Term Care**

Melissa Sigmund, Planning and Zoning, said that the applicant is requesting to amend a previously approved development plan to allow additional parking, and to relocate a trash enclosure. This plan was recently approved, this summer. No changes to building elevations are proposed. A waiver is necessary to allow greater than 110% of the maximum allowed parking on the site. The parking requested is one additional row of parking, adjacent to the undeveloped lot. The relocation of the trash enclosure is to a place farther away from the building. There were no changes to the engineering with this proposal.

Ernie Carpico, Planning Board, said that the Planning Board discussed the following issues and concerns on 10/22/2019:

- Aesthetics of the property before and after the proposed changes
  - The applicant presented illustrations of the plans to show a comparison of the approved vs. proposed changes
- Landscaping buffer / Impervious surface
  - The development will continue to provide the required amount of landscape material in the buffer area, the area of the buffer is simply reduced.
  - The impervious surface of the project would be increased by 0.14 acres (~4%) from 3.20 acres to 3.34 acres.
- Cross-access
  - Cross access between this property and the adjacent undeveloped lot to the west will be maintained.

Their main concern at the original approval was whether there was enough parking, so the Planning Board considers this a win-win. The Planning Board recommended approval with a vote of (9-0-0).

Katherine McPherson with ESP, Associates, 2200 Gateway Center Blvd, Morrisville, said that they came back to request the additional parking spaces because their client realized that with shift changes there is overlap and they would need more parking. They had planned for future parking at this spot, so they added them now. They have added shrubs to the buffer that previously required trees only to screen headlights from the road. They moved the dumpster to the end of the street, which clears an area for patient drop off or pickup as well as delivery of goods to the site. Also, the client has added two electric vehicle (EV) stations and four carpool stations at the rear.

Councilman Berry asked how much the shrubs are going to improve the screening, and would any additional landscaping be added since the adjacent parcel is not developed. Ms. McPherson said there are no plans right now to develop the other parcel. But they can add additional screening.

John White, Holly Springs Long Term Care, said they do not have any intention to develop the other lot at this time. He said they found that with their other facility, when the parking lot was

full, people parked on a vacant lot nearby. To avoid that in this location they added this parking. He said they are looking to build a LEED facility, so they will probably have additional landscaping.

**Action:** Motion to approve Major Amendment to Development Plan #19-DP-01-A01 for Holly Springs Long Term Care with the conditions stated below, and the additional receipt of a condition for added landscaping on the Piney Wilbon side of the project.

**Motion by:** Berry

**Second by:** Kelly

**Vote:** Unanimous

Conditions:

All previous conditions of approval for both Southern Crossroads Master Plan and Holly Springs Long Term Care Development Plan 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.

**9c. Main Street Sidewalk North**

Dirk Siebenbrodt, Engineering, said there is currently a 2,042 linear foot sidewalk gap on North Main Street. This project would construct a sidewalk to eliminate this gap. Once completed, there will be sidewalk connectivity from the Village District to the Ting Park sports complex. The utility contract with Duke Energy is required to relocate one utility pole during construction of the sidewalk. He said that Council approved the design on July 18, 2017. The Public Works Department will construct this sidewalk, which will reduce construction costs by about 30%. Staff recommends using unrestricted supplemental tax payment revenues that currently reside within Parks & recreation Reserves. No restricted Parks and Recreation developer fee payments are being used. This is the funding strategy outlined at the September 10<sup>th</sup> council workshop.

Councilman O'Brien asked how long it will take to get the pole moved. Mr. Siebenbrodt said that this will be the first item of this project to be done. If it is approved staff will approach Duke, and staff anticipates it will be done in the next month or two. Aaron Levitt, Engineering, said this is a regional connection and it is much different from the pole at The Block that caused the earlier problem.

Councilwoman Kelly asked Town Manager Randy Harrington, what isn't getting done, since public works employees are constructing sidewalks. Mr. Harrington said that nothing was getting missed. These are big projects that staff can do for less than using a contractor. The Town has dedicated staff for concrete repair. If there was an emergency repair, it might slow down the construction of the sidewalk.

Councilman O'Brien asked what the time frame on this project was start to finish. Mr. Levitt said that Public Works has several projects going so they are two months out. In two to four months they should start work. If emergencies come up there may be a delay, but the cost savings is worth it. Councilwoman Kelly asked if it could be done before baseball season. Randy Harrington said we would do our best. He said that Public Works employees are excited about this project.

**Action:** Motion to approve budget amendment to transfer a total of \$329,500 from unrestricted funds currently residing in Parks & Recreation Reserves Account 21.95 with \$265,424 to the Project Account 48-619 90.04 and \$64,076 to Contingency 48-619 82.97.

**Motion by:** Kelly

**Second by:** Berry

**Vote:** Unanimous

#### **9d. I-540 Utility Relocation**

Aaron Levitt, Engineering, said that the I-540 project is under construction and will require several of the Town's sanitary sewer and water mains to be relocated. The Complete 540 project, also known as the Southeast Extension, will extend the Triangle Expressway from NC 55 in Apex to US 64/US264 (I-87) in Knightdale, completing the 540 Outer Loop around the greater Raleigh area. Per § 136-27.1. of the NCGS, the Town of Holly Springs shall pay 25% of the nonbetterment cost and 100% of the betterment costs for relocation of water and sewer lines owned by the municipality and located within the existing State transportation project right-of-way. A forthcoming utility relocation agreement between the Town and NCDOT/Turnpike Authority is being prepared and will be presented to Council in the near future. Since April 2018 staff has been working with NCDOT/Turnpike authority on the required utility relocations for the construction of the I-540 project. Construction is expected to start in 2020 and should be complete in 2023.

Preliminary work prior to execution of a utility relocation agreement is required for study work associated with the sanitary sewer relocation in the area north and south of the proposed I-540 corridor along Sunset Lake Road. This action will establish the project budget and provide funding for the study in an estimated amount of \$12,400, which will be executed by the Town Manager. Results of the study will be incorporated into the I-540 utility relocation plans.

**Action:** Motion to approve Project Budget and budget amendment of \$657,150 from the following sources for utility relocations associated with the I-540 extension project:

- \$85,150 from Sewer Reserves
- \$572,000 from Water Reserves

**Motion by:** Villadsen

**Second by:** O'Brien

**Vote:** Unanimous

#### **9e. Update of Local Civic Nonprofit Grant Policies**

Corey Petersohn, Finance, said that at the Council Workshop meeting on October 8, 2019 Council discussed options for updating the civic grant process to incorporate best practices. Council indicated a preference for a model that involves both staff and Council participation, and requested that revised policies be drafted for their consideration.

Both the Community Agency Grant Eligibility and Town Council Evaluation of Community Agency Grant Applications policies were drafted in 2004. The Evaluation policy was amended in 2011.

Mr. Petersohn said that the major changes in these policies, based on feedback from the October workshop, are as follows:

1. Adds pre-evaluation by staff so only complete applications are considered;
2. Clarifies and simplifies staff evaluation process and criteria;
3. Adds ADA language to requirements;
4. Formalizes the grant award process currently used by the Town Council Subcommittee.

Other minor changes are to clean up and clarify language.

Councilwoman Kelly asked for clarification on the ADA language requirement. Councilman Berry proposed to amend the Policy so that the Council Subcommittee be two members instead of three, so that there is not a majority of council on the committee.

**Action:** Motion to adopt Policy P-025.2, Council Evaluation of Local Civic Nonprofit Grant Applications with the change that the Subcommittee be comprised of two members rather than three, and Policy P-026.1, Local Civic Nonprofit Grant Eligibility and Rules.

**Motion by:** Berry

**Second by:** Lee

**Vote:** Unanimous

## 10. UNFINISHED BUSINESS

### 10a. Peterson Station 16-DP-17-A02 / 19-WAV-06 / 19-WAV-07

Sean Ryan, Planning and Zoning, said that this project was approved on June 20, 2017. An amendment was approved in May of 2019 to modify the location and arrangement of buildings, adjust the layout of the parking area, and modify the open space layout. The project was previously presented to Council on June 18, 2019 and October 15, 2019. Council requested modifications at both those meetings. Since that meeting, the applicant has discussed making modifications to the corner elevation of the building. The following modifications are proposed:

- Remove 6 units from the front corner elevation to step the building back and provide outdoor active area on the second floor facing the intersection of Sunset Lake Road/Stephenson Road, resulting in the loss of 6 dwelling units.
- Maintain the originally approved 4<sup>th</sup> floor and elevator to building 4 (previously the applicant proposed reducing the building from 4 to 3 floors) and replace a mailroom with a dwelling unit. This will provide 13 additional dwelling units.
- The net change in dwelling units will be 7 new dwelling units, bringing the total number of dwelling units permitted from 310 to 317, or a density change from 16.43 to 16.8 units per acre.
- Move the amenity building to the east closer to building 1 to allow for additional outdoor area.

The new elevations for the corner of the building have been submitted and included at the end of the building elevations.

The following waivers have been requested (specific waivers outlined in the resolution):

- 19-WAV-06: Primary Façade Materials - to allow for a reduction in the Primary Building Material.
- 19-WAV-07: Façade Modulations – Multifamily - to allow for alternate compliance with façade modulation width and depth.
- 19-WAV-20: Colors – Multifamily - to allow for alternate compliance with the minimum percentage of primary color.
- 19-WAV-21: Roof Treatment - to allow for an increase in maximum continuous roofline.
- 19-WAV-22: Primary Façade Massing - to allow for an increase in maximum building bay.
- 19-WAV-23: Primary Façade Modulation – to allow for alternate compliance with the façade modulation requirement.

Laura Holleman, Spaulding Group, said that the things they heard last time were to make more of an effort at the corner to energize it for the public. So they added back the second story terrace and opened the interior by moving the club house to the right to create a larger open space for public events. Jeff Peterson, Cary, said he thinks with previous Council feedback they have come up with a better concept. By opening the corner and adding the terrace, they needed to add a floor on the Stephenson Road side, which makes the buildings match. With those changes they are hoping to have addressed the concerns of Council.

**Action 1:** Motion to adopt Resolution #19-31 to make and accept the Findings of Fact for consideration of and to approve Unified Development Ordinance Waivers.

**Motion by:** O'Brien

**Second by:** Kelly

**Vote:** Unanimous

*A copy of Resolution 19-31 is attached to these minutes.*

**Action 2:** Motion to approve Major Amendment to Development Plan #16-DP-17-A02 for Peterson Station at Sunset Lake with the conditions stated below.

**Motion by:** Villadsen

**Second by:** O'Brien

**Vote:** Unanimous

**Conditions:**

1. All previous conditions of approval for *Peterson Station at Sunset Lake* 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.
2. Revised building elevations to match the rendering submitted and included as Resolution 19-31 Exhibit B shall be submitted to the Department of Planning & Zoning within 30 days of this approval.
3. The Town Council authorizes the Director to approve the following changes to Development Plan 16-DP-17, as amended, to permit the following:
  - a. Remove 6 units from the front corner elevation resulting in the loss of 6 dwelling units.
  - b. Revise building 4 elevations to maintain the 4<sup>th</sup> floor and elevator 4 and replace a mailroom with a dwelling unit. This will provide 13 additional dwelling units.
  - c. The net change in dwelling units will be 7 new dwelling units, bringing the total number of dwelling units permitted from 310 to 317, or a density change from 16.43 to 16.8 units per acre.
  - d. Move the amenity building to the east closer to building 1 to allow for additional outdoor area.
  - e. Provide sufficient parking for the additional residential units as required by the Unified Development Ordinance.
  - f. Revised building elevations incorporating the above specified building elevations and the proposed rendering in accordance with the approved architectural waivers.

**11. OTHER BUSINESS**

None that required action.

**12. MANAGER'S REPORT**

Randy Harrington, Town Manager, asked to recognize Linda McKinney for completing the Municipal Clerks Institute at UNC School of Government.

**13. Closed Session:**

**14. Adjournment:** Councilman O'Brien made a motion to adjourn at 9:32 pm. It was seconded by Councilwoman Lee and passed unanimously.

Respectfully Submitted on Tuesday, December 3, 2019.

  
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Linda C. McKinney, Town Clerk

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