



March 19, 2019

MINUTES

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

Council Members Absent: None.

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

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Pastor Jonathan Sherrod of Kirk of Holly Springs, Presbyterian.

4. Agenda Adjustment: The March 19, 2019 meeting agenda was adopted with changes, if any, as listed: none.

Motion by: O'Brien
Second by: Villadsen
Vote: Unanimous

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

Patricia Hinton of 328 Springside Dr., Holly Springs spoke about the impact on the widening of Holly Springs Road on the community. She said that Holly Springs has gotten lots of accolades for Best Small Town, Best City, but there are no accolades for community. The area where this road widening is taking place is the St. Mary's Community. The impact that it had on surrounding areas, whether spiritually, economically or socially, is being taken away. She said that she understands that the DOT is making these people move. She grew up in this area. She asked what does it say about Holly Springs if we are pushing people out who made Holly Springs what it is? She said the way Holly Springs is growing is pushing out lower income people. If people who have lived here their whole lives are pushed out and can no longer afford to live here, that contradicts the message of being a community that cares for its residents. She said that she doesn't know what the Town can do, but we are getting rid of *communities* in Holly Springs and only approving *subdivisions*. She wanted to show her support and to say what can the residents do, how can the Town partner, to help the residents of this area?

Nicole Burt, former resident of 9725 Holly Springs Road, current resident of 318 W. Jones St. in Fuquay Varina said that she was born and raised on Holly Springs Road. She was at the last meeting and it was a little disheartening to hear the members say that they were not aware of the displacement. Her parents who are on a fixed income and have physical disabilities, are going to be pushed out. Her uncle is going to be pushed out. Growing up her great-grandmother was across the street, her grandmother was next door, and the oldest woman in the community was 100 years plus. So there is a lot of wisdom, she said, being pushed out to accommodate a community of Holly Springs' liking. She said that they were annexed into Holly Springs, but have an Apex address, so with this going on they have never felt like they were a part of Holly Springs. It is disheartening that the DOT is coming in with eminent domain, and these people who have been there, they have gardens; they look out for each other. She said that these are the people who made her the young woman she is. She said that they rely on each other and their community. She wanted to bring awareness to the influence that has been there that is going to be moved out.

Gabrielle Woodard of 9700 Holly Springs Road said she wanted to speak about the road widening that the DOT is in charge of, that is displacing several people in their community, most of whom are elders, and the people who raised them as a village. She said Holly Springs likes to talk about being a village. She said it is disheartening and scary to think of a large entity like the DOT coming in to displace folks. She said that residents are not getting all the information at the same time. There are also Town projects going on in other areas, which was a point of confusion.

Ms. Woodard said that they want to keep people together, and to find creative solutions to use land that is not being used in their area. They would like the Town to show up when they can all be present. She sat down with the engineering department at 4:00 this afternoon, but not everyone could come then. She would like a time when everyone can get together, get the same information at the same time, and find creative solutions together. She would like a conversation with the town to see how they can get together to support each other. She asked what the Town of Holly Springs can do for them to keep them together as a community.

Mayor Sears offered Town Hall as a meeting place for an open forum meeting. He said that he would welcome some suggested times and he would meet with them. Councilwoman Lee said that if a quorum would be present the meeting would have to be announced in advance to comply with the Open Meetings Law. She thanked the residents for coming and said that the Town wants to be there for them and if they could have time to gather their thoughts and information to give them about who to contact. There are also legal issues and so Council needs time to meet with their attorney.

Councilwoman Kelly asked if there was a map to show where the Town lines are, where the DOT is going to put the road, and which properties will be affected. Mr. Harrington said that staff would provide as much information as they could. Mayor Sears asked for the group to suggest two times for a possible meeting with all interested parties.

Vonna Woodard 9700 Holly Springs Road also spoke about the road widening. She said that she has lived at 9700 Holly Springs Road most of her life, but she has had the opportunity to travel and to live in other places. But when she came back, that was home. St. Mary's is home because that's where tomorrow is going to be better because that's where this one or that one lives. She said she understands that the Town does not have control over what the DOT is doing, but there are other projects that concern her. She said that the rezoning of the area to make it commercial is impacting them as well. Some of the residents have lots big enough that they could build at the back of the lot and sell an easement, but they are being told they cannot do that because it has been zoned commercial. She said that they are being told different things by different entities. Sometimes that plays to the end of everyone being defeated. People who have things taken away feel very negatively towards those they deem took it away. She said that she

was here before this area was in Holly Springs, and it was considered Apex. During that time she had the opportunity to get a school in that area. So her history is a little different because she was a part for a little while until things were rezoned for school reasons. She said that rezoning has always changed their lives in some way or another. And now it looks to take everything. Because, she said, when you rezone and say it is only good for business, you are saying it is no longer good for what they are known for, and that is family.

6a. Oath of Office of Deputy Town Clerk – Mayor Sears introduced the new Deputy Town Clerk and welcomed her to the Town of Holly Springs.

Ms. McKinney administered the oath of office to Latisha Butler, Deputy Town Clerk of the Town of Holly Springs.

Action: None.

6b. Oath of Office for New Planning Board Members

Mayor Sears introduced Dana Rybak and Shaun McGrath as newly reappointed in-town members of the Planning Board.

Ms. McKinney administered the oath of office to Dana Rybak and Shaun McGrath.

Action: None.

7a. Public Hearing: 18-DO-01/18WAV32 Steeplechase Subdivision

Sean Ryan, Planning, said that the Town has received a request for a Development Options Subdivision located on approximately 40 acres of land along the west side of Cass Holt Road south of Honeycutt Road. A total of 93 single family dwelling units are proposed. The total proposed gross density is 2.32 units per acre and the net density, after removing the required open space as required with Development Options, is 2.57 units per acre. The minimum lot area is 7500 sq ft., and the average lot area is 8,528 sq. ft. The lot width is 60 feet. There are no waivers requested for lot depth, frontage, or front yard requirements.

Mr. Ryan said that the project area is zoned R-10 Conditional Use and, as such, must meet all of the commitments made as part of the approved rezoning. In addition, as a Development Options Subdivision, the project must provide a higher quality product in accordance with the residential design façade requirements, provide a minimum of 10% of the project area as open space, and sidewalks on both sides of all streets. Both developed and undeveloped open space is required. There is a proposed tree revegetation area shown in the hash-marked area of the map.

Mr. Ryan said that landscaping will include type A20 perimeter yard plantings, Type C225 thoroughfare yard plantings, and street trees on interior streets. Further, areas within the subdivision will be replanted to give the canopy that was removed by previous timbering.

Rachel Jones of Engineering said that a water main extension will be installed on Cass Holt Road to connect near Holly Springs High School. The gravity sewer main extension will cross the adjacent Holleman property and connect it to the Stonemont subdivision. She said that all Environmental and stormwater ordinances and standards were met.

Ms. Jones said that the Traffic Impact Analysis was completed and approved with the rezoning. Cass Holt Road will be widened and realigned across the property frontage. The recommendations from that TIA were incorporated into the plan. She said that widening Cass Holt Road and realigning it will benefit the traffic in that area. The developer will pay a fee-in-lieu of

construction of a right turn lane at the intersection of Avent Ferry Road and Cass Holt Road proportionate to the project's impact.

Sean McGrath of the Planning Board said that they discussed the following issues and concerns at their meeting on 02/26/2019:

- The Planning Board asked for clarification on what species would be provided in the revegetation areas.
- The Planning Board suggested the condition of approval regarding the 35" oak trees should be modified in line with new tree preservation standards recently adopted.
- The Planning Board asked about utilities (including water, sewer, and lighting) and who would pay for them.

The Planning Board recommended approval with a vote of 6 - 1 - 2. Mr. Crandall dissented because he has tax base concerns. Mr. McGrath said that the Planning Board was concerned that all of these new subdivisions feed into NC 55. Each one has a small impact, but together it is larger. There was also concern about the older trees dying out and whether or not they would be replaced.

With that explanation completed, Mayor Sears opened the public hearing. The following sworn testimony and evidence were submitted by those who had been administered the oath by the town clerk: None.

There being no input, the public hearing was closed.

Curt Blazier an engineer with McAdams, said that he wanted to supplement what Mr. Ryan said. He said that the development has been designed in compliance with the requirements of the Town of Holly Springs. There were 11 conditions that came with the earlier rezoning of the property, and this plan meets all of those conditions. The future land use map shows the project zoned as residential with a density of 3.25 allowed. The total density will be 2.57 per acre.

Mr. Blazier said that zoning requirement that were approved in addition to the density are the maximum number of 93 single family lots. The zoning condition called for 15% open space, with 50% of that required to be developed open space. The plan calls for 32% of the total site to be open space with 51.3% of the required open space developed. Two "champion trees" will be protected, and since the parcels were previously timbered, they will meet the tree requirements by reforestation. He said that they are requesting this waiver in order to reforest these areas. A 40 foot buffer is provided along the southern border of the development. Additional landscaping will be provided along the north boundary, with 6 foot evergreens planted 12 feet on center. Part of the project is to realign Cass Holt Rd. which will make it safer as it will be less of a curve. He said that McAdams appreciates the Council's consideration and support of the project. Mayor Sears asked about style of housing, and was told that it would be single story ranch style homes. There was discussion regarding the species of trees and other plants in the landscaping plan. Mr. Blazier said that there would be a variety of different plantings, that there would be berms along Cass Holt Road and that the specifics of the landscaping would be provided as construction drawings are brought in at which time Mr. Ryan can provide more details to the Council.

Councilwoman Kelly asked if the landscaping plan would be shared with the Tree Board. Mr. Ryan said that it was his understanding that the Tree Board has not been tasked with that at this time, but that Council could ask them to look at the plan.

Questions were asked about the Traffic Impact Analysis. Ms. Jones said that the predicted average daily traffic was under the threshold of 1000 per day. The TIA recommended the realignment and widening of Cass Holt Road, and a new turn lane onto Avent Ferry Road. Councilwoman Kelly asked if there would be new sidewalks. Ms. Jones said that there would be new sidewalks along the frontage with Cass Holt Rd. and within the subdivision.

Questions were raised about the street lighting and Ms. Jones said that it was not shown on the plan, but the Town has a policy that complies with the Duke Energy and NC DOT requirements. Duke Energy designs the lighting, sends the plans to the DOT who approves them. The Town does get input into this process along the way. The lighting plan will be shown on the construction drawings.

Action 1: The Council approved a motion to make and accept the Findings of Fact and approve Waiver 18-WAV-32 for UDO Section 7.01 J. Required Tree Preservation to allow tree revegetation on areas for 18.5% of the required tree preservation area, as listed in agenda packets.

Motion by: Villadsen

Second by: Berry

Vote: Unanimous

Waiver Findings of Fact

1. The proposed development represents an innovative solution for tree preservation, which will enhance the use or value of area properties beyond the enhancement that would otherwise occur under the strict application of the Required Tree Protection requirements; or,

The strict application of the terms of the Required Tree Protection requirements represents an unusual or unnecessary hardship when applied to the proposed development;

2. The granting of a waiver will not cause negative impacts on the environment;
3. The proposed development is consistent with the intent of the Comprehensive Plan; and,
4. The proposed development is consistent with the intent and purpose of this UDO.

Action 2: The Council approved a motion to make and accept the Findings of Fact and approve the Development Options Plan 18-DO-01 for Steeplechase Subdivision, as submitted by McAdams, project number PLT-18000, dated revised 01/21/2019, as listed in agenda packets.

1. This project will be required to meet Town's NPDES Phase II Post Construction Stormwater ordinance.
2. Prior to the 1st construction drawing submittal, the following items must be addressed or included with the submittal:
 - a. Documentation in the form of a plat must be provided for offsite right-of-way to be dedicated with this project, including temporary construction easements. The acceptance and approval of the plat will be delayed until Construction Drawing Approval.
 - b. Documentation in the form of a plat must be provided for any required offsite sewer and/or water easements. The acceptance and approval of the plat may be delayed until Construction Drawing Approval.
 - c. Thoroughfares, collectors, and boulevards will require a calculated pavement design and approval by the Town and NCDOT.
 - d. Submit a Final Gravity Sewer Line Sizing Report for all lines that are stubbed to adjacent upstream properties.
 - e. All items listed on the Stormwater Submittal Checklist, Form #16003.
3. Prior to Construction Drawing Approval and/or issuance of land disturbance permit, the following items must be addressed:
 - a. Street Tree locations shall be shown with approved lighting fixture locations and shall be positioned as not to interfere with any lighting fixtures or any site distance triangles as specified in the Unified Development Ordinance.

- b. Fee-in-lieu proportionate to your project impact of upgrades to the Avent Ferry and Union Ridge Force mains/Pump Stations.
 - c. Fee-in-lieu proportionate to your project impact in the amount of \$21,854 for the right turn lane at the intersection of Avent Ferry Road and Cass Holt Road.
 - d. Fee-in-lieu of constructing the remaining portion of the street stubs.
 - e. Approval of Stormwater Management Plan is required.
 - f. Stormwater sureties are required on this project. A performance surety in the form of a bond, letter of credit, or cash is required in the amount of 125% estimated construction cost of the stormwater BMP prior to plat recordation and a maintenance surety in the form of a cash escrow account in the amount of 35% the actual construction cost of the BMP is required at the end of the performance monitoring period for the project.
 - g. A flood study is required to meet the Town's policy for Hydrologic Basin Models (Town Policy - P-018).
 - h. Payment of the Stormwater Fee-in-Lieu will be required.
 - i. All environmental permits must be obtained for the entire project.
4. At time of petitioning for the first Final Plat for this subdivision:
 - a. Homeowner's Association covenants shall be submitted for review prior to recording.
 5. No more than 85% of building permits shall be issued prior to the completion of all developed recreational open space.
 6. No more than 85% of building permits shall be issued prior to the installation of all street trees not located along a residential lot.
 7. Prior to CD approval, The Department of Planning & Zoning shall review and approve a detailed tree replacement plan meeting the standards set forth in the Development Options Plan. At a minimum, the detailed tree replacement plan shall show the general location, species, and size of each plant to be planted.
 8. The two 35" white oak trees designated on this plan to meet the requirements of conditional use rezoning 18-REZ-02 shall not be removed without approval from the Holly Springs Town Council after receipt of a report from a certified arborist declaring that the removal of the tree is necessary due to death, disease, or threat of danger to human life or property. If approved for removal, replacement shall occur in accordance with UDO Section 7.01 J. 5. D: Removal of Protected Trees.

Motion by: Lee
Second by: O'Brien
Vote: Unanimous

7b. Public Hearing: Annexation, A18-10 – Gina Clapp, Planning Director, said that the Town received a voluntary annexation petition annexing approximately 43.21 +/- acres located at 5836 Cass Holt Rd and 6198 and 6202 Windy Farm Lane. The property owners are Bennie L. Glenn and Karona W. Glenn, and the property is non-contiguous with town limits. The petition meets all the statutory requirements for annexation.

They are requesting annexation in order to be connected to public utilities. The property is within the ETJ and meets all statutory requirements for annexation.

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

There being no input, the public hearing was closed.

Action: The Council approved a motion to adopt Annexation Ordinance A18-10, annexing 43.21 +/- acres owned by Bennie L. and Karona W. Glenn, more particularly described as Wake County Pins:

0648.10-1232, 0647.19-6401 and 0648.20-3307 into the corporate limits of the Town of Holly Springs.

Motion by: Berry

Second by: Villadsen

Vote: Unanimous

A copy of Annexation Ordinance A18-10 is attached to these minutes.

7c. Public Hearing: 19-UDO-01 UDO Section 8.01 and Development Procedures Manual Section 5.05 for Wireless Telecommunications Facilities UDO Amendments – Sean Ryan,

Planning, said that the last major update to the wireless telecommunications regulations was in 2008. In January 2017, amendments to this section to address small wireless telecommunications facilities were made to regulate height and location requirements for facilities located in the public rights-of-way (Amendment #16-UDO-04). Since these changes, further guidance has been made regarding how municipalities can and cannot regulate small wireless telecommunications facilities. These changes were intended to be temporary to provide time for research and receive further clarification of the impacts of newly adopted state law, HB 310. Due to new trends in telecommunication facilities, periodic changes in regulation, and legal interpretations, continued evaluation of the Town's regulations needs to be completed. The proposed amendment is intended to comply with FCC rulings and HB 310 while establishing a reasonable level of aesthetic requirements to reduce the potential visual impacts to the community. Joint effort of many town departments, including the attorney's office, building and engineering department and planning worked to come into compliance with the FCC regulations and HB 310. Municipalities in North Carolina only have the right to regulate what the state allows them to regulate. Holly Springs can regulate the appearance of these telecommunications poles if the regulations use reasonable and nondiscriminatory standards. There are "shot clocks" provided in HB 310 that the town must abide by, giving limited time to approve these facilities. If the deadlines are missed there are consequences to the Town, including automatic approval of the application.

Mr. Ryan said that the purpose of these amendments is to try to avoid duplicative poles, and establish aesthetic requirements for wireless telecommunication facilities. The Town's first preference is colocation on poles that already exist before allowing new poles. The amendments would require that the facility matches the pole in color and style, have cabling inside, and is a "stealth antenna." If that is not possible, a new facility may be erected in the right of way with a maximum height of 50 feet, or 40 feet in residential areas. Poles must match the color of the street lights in the area, be made of durable material, and be a "stealth antenna."

Shaun McGrath of the Planning Board said that the Planning Board discussed the following issues and concerns on the UDO amendment on 02/26/2019:

- Concern that this is not just an aesthetics issue but also concern about public disclosure of new facilities.
- Concern for public safety with regard to the level of transmittance especially in residential areas.
- Requested staff to provide additional requirements regarding discussion and safety.

The Planning Board recommended denial with a vote of 2 - 4 - 3 (2 absent, 1 recusal). Most of the denial had to do with the thought of poles in a residential area; they were afraid that the poles would be too close to the street. He said that HB 310 did not restrict the placement of the poles. He said that there is an exclusion for single family areas. The Planning Board did not want poles going up "every 300 feet" in a single family home zoned area. He said that the Planning Board wants something in the UDO that says it doesn't apply in single family zoned areas. He said that he was told that Ting did have to notify residents if they went through their residential right of way when installing fiber optic cable.

Paul Allen, assistant Town Attorney addressed the underground requirements by explaining that the FCC regulations trump state law, including HB 310, saying that requirements cannot be unreasonable or unduly burdensome.

Mr. Allen said that the following changes have been made since the Planning Board meeting to address their concerns:

- Co-location: No new small wireless telecommunication facility shall be co-located on any utility pole, light pole fixture, or wireless support structure that is less than fifteen (15) feet above grade.
- New Facility: No new small wireless telecommunication facility shall be located on any utility pole or wireless support structure that is less than fifteen (15) feet above grade.
- In the concurrent DPM amendment, staff has added a process step that will have Town staff provide approved location information on the Town website. The Town cannot require advanced notice of installation since the Town must treat all utility providers the same and does not require notification for other utility installations. But staff will coordinate with coding and GIS to put nodes on a map which will be posted on the town website to show where the sites will be. While the notice can say what frequencies will be used, frequencies are regulated by the FCC and the Town cannot regulate them.

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

There being no further input, the public hearing was closed.

Councilwomen Kelly and Lee wanted to know if there was a time frame mandating the passage of the ordinance. John Schifano said no, but right now anyone can put in an application for the “ugly poles” and the Town would have to grant it because there is no ordinance. Councilwoman Kelly asked if Council could send the ordinance back to the Planning Board for a favorable vote. Mr. Schifano said they could, but the Town runs the risk of having to approve applications for ugly poles in the meantime. Councilwoman Kelly asked if the Town could retroactively require utilities to put up aesthetically pleasing poles and Mr. Schifano said that that could only happen if a utility abandoned the poles first. He explained that HB310 took away much of municipalities’ authority to regulate.

Councilman Berry asked if large cell towers require Special Exemption Use and can the Town regulate small ones the same way? Mr. Ryan said they do. But Mr. Schifano said that the Town cannot regulate the small ones the same way, as they have the same rights as any other utility. If the Town tries to “push the envelope” on what HB 310 allows, the state could regulate municipalities even more tightly. Councilman O’Brien said that with 5G coming, the Town is going to see more and more of these poles. He said he didn’t want to see one pole after another. HB 310 will make us a town of poles.

Mr. Schifano said that if the Town can get this ordinance on the books, it can be sent back to the Planning Board and Council can then amend it to address the Planning Board’s concerns. Passing this ordinance does not preclude getting the Planning Board to give input and then amending the ordinance.

Mr. Allen said that passing this ordinance would give the Town the power to abide by the very short “shot clock” set by HB 310, which says that if the Town does not approve an application within the 45 day window, an application is deemed automatically approved.

Councilwoman Kelly reiterated her reservations about not listening to the Planning Board. Councilman Berry said that he wanted to pass what we have and then add a motion to send it back to the Planning Board to tweak it.

Mr. McGrath said that he was OK with that solution, and that he felt they needed to dig deeper into the residential requirements.

Action 1: The Council approved a motion to adopt Unified Development Ordinance 19-UDO-01 to modify the text of UDO Section 8.01 as submitted by the Town of Holly Springs.

Motion by: O'Brien

Second by: Berry

Vote: Unanimous

A copy of Ordinance 19-UDO-01 is attached to these minutes.

Action 2: The Council approved a motion to approve Development Procedures Manual Text Amendment Resolution 19-11 to modify the text of Section 5.05. UDO Permit: Wireless Telecommunications Facilities.

Motion by: O'Brien

Second by: Kelly

Vote: Unanimous

A copy of Resolution 19-11 is attached to these minutes.

Action 3: The Council approved a motion to refer this ordinance back to the Planning Board for further discussion and refinement with staff as it relates to small cell facility placement within residential neighborhoods.

Motion by: Berry

Second by: O'Brien

Vote: Unanimous

7d. Public Hearing: 18-UDO-05 Biannual UDO Amendments - Sean Ryan, Planning said that the departments of Planning & Zoning and Engineering evaluate the UDO regularly. As a result, the departments bring forward a series of amendments to the Town's development regulations and requirements as interpretation issues arise, new or modified regulations are suggested for development within the Town's corporate limits and Extraterritorial Jurisdiction (ETJ), or the State modifies regulations or the General Statutes that have an impact on the Town's development regulations.

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

There being no input, the public hearing was continued.

Action: The Council approved a motion to continue public hearing to the April 2, 2019 meeting.

Motion by: Villadsen

Second by: Berry

Vote: Unanimous

8a. Consent Agenda:

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

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

8b. Budget Amendment Report – 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. Resolution 19-10 - The Council adopted Resolution 19-10 adopting the NCDNCR Municipal Records Retention and Disposition Schedule. *A copy of Resolution 19-10 is attached to these minutes.*

8d. Local Civic Area Nonprofit Grants - The Council scheduled a grant consideration committee meeting for April 4th at 7 pm in the Holleman Room.

8e. Concessions Agreement – The Council approved a license agreement for concessions with Fuquay-Varina Concessions, LLC.

8f. Sole Source Supply Agreement – The Council approved a requirement to use Microcomm SCADA equipment for WWTP Upgrades.

9. New Business:

The Mayor announced that the Hospital ground breaking was last week. The Town is hoping that it will be open in 2020 or 2021.

Councilwoman Kelley said that she would like for the Council to spend some time discussing traffic thresholds and assumptions relating to Traffic Impact Analyses. Mr. Harrington said that it was on the list of topics to discuss and would come back to a Workshop meeting. Councilwoman Kelly asked if the Planning Board could be at that workshop, and Mr. Harrington said that they could.

Councilman O'Brien said that he coached the Holly Springs Rec basketball U16 boys in the SWAC State Tournament in Lumberton on March 16, 2019. They made it to the final four. He was pleased by the number of parents and friends who went all the way to Lumberton to support them. He said the 11-12 year old girls' team were the state champions.

He also said that he went to Career Expo at Holly Springs High School, as a government official. He said that there were a lot of good questions from a lot of kids who were looking for a career path.

Councilman Berry wished a Happy Belated Birthday to Mayor Sears.

Councilwoman Lee said that she wanted to touch on the Holly Springs Road widening by the NC DOT. She said that she wanted to lend support in the way of lending the Holleman Room for residents to meet, give concerned residents names and numbers of who they can call, and help them in any way they can. Councilwoman Kelly said that she wanted to make sure that we heard residents' questions and that they are getting the correct information, since they are hearing different things from different entities. Mr. Harrington said that the people who came to the meetings are not the only people affected, and we need to be cognizant of that and help them as we can.

None that required action.

10. Manager's Report:

Randy Harrington, Town Manager recognized firefighter Paul Tidwell who passed away, and recognized the Fire Department for their support of the Tidwell family. He also recognized the towns of Apex and Fuquay Varina who helped cover the town while our Fire Department was at the funeral.

Mr. Harrington said that it is common for municipalities to enact noise ordinances. He said that a resident contacted the town about noise, and this concern had alerted the Town to inconsistencies between the Town's noise ordinance and the Town's engineering standards. A technical revision is needed to clarify the Town's noise ordinance.

Scott Chase said that the town found an inconsistency between two documents that regulate Noise and Construction in the town. Many towns in NC regulate noise. Our ordinance says that noise from construction operations may occur from 7:00 am to 9:00 pm on weekdays or weekends. Our engineering construction guidelines allow construction noise from 7:00 am to 6:00 pm on weekdays, and 8:00 am to 6:00 pm on Saturdays. There is no prohibition of construction during those time frames, just the noise. He compared Holly Spring's noise ordinance and engineering construction guidelines with those of other municipalities in North Carolina, and showed which ones simply refer to their noise ordinance. He explained that this is a problem, because if a resident complained about noise that was occurring after the engineering timeframes, but within the noise ordinance time frames, the Police Department could not enforce the guidelines.

Mr. Scott requested input from the Mayor and Town Council regarding amendments to the Noise Ordinance to bring the two standards in line with each other, suggesting that the Noise Ordinance be adjusted to correlate with the Town's engineering design and construction standards. He said that if a change is desired, the amendment would come before Council at a future business meeting.

Councilman Berry said that he didn't want more regulation, but did want consistency between the ordinance and the engineering standards. He would like to see the technical correction made that way. Councilman O'Brien asked if changing the ordinance times to 7 am to 6 pm Monday through Friday would bring the ordinance up to the Engineering standards.

Councilwoman Kelly said the Town passed a noise ordinance a while ago, and asked if it matched engineering standards. Mr. Schifano said it did not. He said the recent ordinance was passed to regulate by decibel level rather than by activity. The previous ordinance used an unenforceable "reasonable noise" standard. The new one listed exact decibel levels. He said that if Council is happy with the times that are in the Engineering standard, then the ordinance could be amended to tie the requirements to particular decibel levels.

Councilwoman Kelly said she often hears noise at 6:45 am. and asked what her options were at 6:45 when she is hearing the noise. Mr. Schifano said that the Town could have a "no noise" time period, but would need to make sure that the standards are measurable, because otherwise it is an enforcement issue.

Councilman Villadsen said that noise can be annoying even if it's below the decibel level and two houses away. He didn't think it will be useful to regulate it. Councilwoman Lee said that the more the Town limits the time for construction noise the longer the construction will take. Councilwoman Kelly asked what 55 decibels sounded like. Mr. Schifano said that your neighbor operating a lawn mower is about 55 db to you at your property. Councilwoman Kelly asked if the Town is protecting the neighborhoods enough. Mayor Sears asked if the Town can get the timing discrepancy fixed and then worry about decibels.

Councilwoman Lee said the hours should be Monday to Friday 7am to 6pm and Saturday 8 am to 6 pm. Councilman Villadsen said he would like to “be like Cary” in not allowing noise on Sundays or Town holidays.

Councilwoman Lee said that starting early is better in the summer because it gets hot and then they stop. Mr. Harrington said that construction activity happens 24/7 in our town. We are just trying to get a technical clean up so that the noise ordinance matches the engineering standard so that law enforcement can enforce the ordinance.

Councilwoman Lee said that if emergencies happen there can be waivers of the noise ordinance, for example, to repair a broken water main. Councilwoman Kelly said that the Town can notify people if there are projects that need waivers.

Mr. Schifano said that we can’t continue with the “reasonable noise” standard. It has to be quantifiable, whether that is decibels, or “can’t be heard at the property line” or some other measurable standard.

Mayor Sears asked Chief of Police John Herring to comment. Chief Herring said that he would reiterate what Mr. Schifano said that the standard must be clear as to audible limit and time frame limit in order for the police department to enforce it. He said that most of the complaints the police department gets are for noise on the weekends, outside of the time frame.

Mr. Harrington said that if Council is agreeable, staff would take this feedback, and bring some technical corrections back to Council at a later meeting.

A motion was made to go into closed session at 8:42 pm pursuant to N.C.G.S. 143-318.11(a)(3) to consult with the Attorney, and pursuant to N.C.G.S. 143-318.11(a)(6) to discuss a personnel matter.

Moved by: Berry;

Second by: O’Brien

Vote: Unanimous.

Council discussed the status of a settlement agreement relating to *Curran Builders, Poythress Homes, et al vs. Town of Holly Springs* with the town attorney. No action was taken.

Council discussed a written performance evaluation of the town attorney among themselves, the town manager, and the town attorney. No action was taken.

Councilwoman Lee made a motion to leave closed session, which was seconded by Councilwoman Kelly. The vote was unanimous.

12. Adjournment: There being no further business for the evening, Councilwoman Lee made a motion to adjourn the March 19, 2019 meeting of the Holly Springs Town Council, seconded by Councilwoman Kelly. Council members voted to adjourn with a unanimous vote at 10:41 pm.

Respectfully Submitted on Tuesday, April 2, 2019.


Linda McKinney, Town Clerk

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