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## **MINUTES**

The Holly Springs Town Council met in a workshop session on Tuesday, March 9, 2021 at the Holly Springs Law Enforcement Center and via video conferencing. Mayor Pro Tem Berry presided, calling the meeting to order at 6:00 p.m. A quorum was established as five Councilmembers were present as the meeting opened.

**Council Members Present in the room:** Mayor Pro Tem Dan Berry, Councilmen Peter Villadsen, Aaron Wolff, and Shaun McGrath and Councilwoman Christine Kelly

**Council Members Absent:** Mayor Sears.

**Staff Members Present in the room:** Randy Harrington, Town Manager; Linda McKinney, Town Clerk (recording the minutes); Daniel Weeks, Assistant Town Manager; Antwan Morrison, Finance Director; Jeff Wilson, IT Director; John Schifano, Town Attorney; Emmily Tiampati, Development Services; Elizabeth Goodson, Development Services; Corey Petersohn, Finance; Cassie Hack, Director of Communications and Marketing.

### **2. Workshop Overview**

Mr. Harrington gave an overview of the items on the agenda. He recommended that the order of the agenda be modified to facilitate a closed session item. He recommended that item 6, Development Agreement for 1317 N. Main Street, be moved to the end of the agenda. Consensus was to move item 6 to the end of the agenda.

### **3. Comprehensive Transportation Plan (CTP) Update**

Randy Harrington introduced Allison Fluitt, of Kimley-Horn who was present to give an update on the Comprehensive Transportation Plan. Ms. Fluitt said she would give an overview of Phase 1 Engagement, articulate the vision and goals, and discuss the development of recommendations. Along the way there would be interactive opportunities for Council to weigh in on questions.

Ms. Fluitt described the make-up of the steering committee, and shared the names of those serving on this committee. She said that they connected with about 1,000 stakeholders, survey respondents, and public workshop attendees combined. She described the public workshops that were held and the online survey that targeted visions, goal setting, needs and deficiencies. She said they identified areas that were historically underrepresented in the responses, and so the committee is working on targeted outreach to gather information from those communities with a Pop-Up event postcard survey. These results will be displayed separately from the earlier outreach, so as not to compare apples to oranges.

Ms. Fluitt showed how the responses around challenges or concerns with the transportation system, priorities and goals for the CTP to address, and visions for the future. From these they crafted a vision statement of: "The Holly Springs Comprehensive Transportation Plan will provide a safe, efficient, connected, and accessible multimodal transportation network that takes a holistic approach to meet the needs of the Town's residents, businesses, and visitors both now and into the future." She asked if this vision accurately reflected the needs, wants, and desires of the Town. Council indicated that they agreed with this statement.

Ms. Fluitt identified and expanded upon nine goals for the CTP: connected, accessible, multimodal, safe, efficient, adaptive, supporting economic development, integrated, and realistic. She said they were important because all future recommendations need to refer back to these goals, and the project prioritization will ultimately refer back to these goals. She then asked for Council to rank these goals using an online polling platform. They ranked them:

1. connectivity
2. safety
3. efficiency
4. realistic
5. multimodal
6. economic development
7. integrated planning
8. adaptive
9. accessibility

Ms. Fluitt discussed multimodal assessment, and how recommendations would be developed. She said they were starting with the existing conditions report. It will be completed shortly and uploaded to the website. It will be tweaked once Census data becomes available. Then they would inventory and reconcile existing plans such as the previous CTP, Vision Holly Springs, Connect 2045, the CAMPO plan, and others, reconcile those with public input received, and identify additional needs. She spoke about their safety analysis which would be outcome based but also include the perception of safety. Five locations will be identified using the collected data, will be analyzed and then recommendations for both near-term fixes and long-term solutions proposed. Council was asked what other outcomes they would like to see. Councilman McGrath said he would like to see perception translated into reality on the data side so that they can know whether the outcome of a project has actually increased safety.

Ms. Fluitt offered some considerations around transit services, including the Wake County Transit Plan, local and regional destinations, public input and stakeholder feedback. She said outcomes include thinking about points of interest, understanding places of transit propensity, and then putting together recommendations for service areas, mode types, and apps and technology. She outlined the differences in Coverage vs. Productivity of a transit service, and asked Council which they would like to prioritize in the CTP. The responses tended toward higher productivity.

Ms. Fluitt discussed the consideration of intelligent transportation systems and transportation demand management. Things to be considered include volume and crash data, connected and autonomous vehicles, smart/connected infrastructure, emergency service communications, public input, and stakeholder feedback. She said that this would become a recommendation toolkit. Using data, the recommendation toolkit would include near-term, mid-term, and long-term solutions. She asked Council what elements of intelligent transportation systems/transportation demand management should be included in the tool kit for Holly Springs. Councilwoman Kelly said that the Town was not prepared to handle busses in certain areas. They need a pull-out to get out of traffic when they are waiting. And the route might need to go to Wake Tech or other schools. MPT Berry said the Town has been innovative in using fiber to connect traffic signals to the internet. If all the signals were connected we would be able to make corrections more quickly and have real time response to traffic situations. Emergency equipment in other towns has preemptive equipment to change traffic signals as they approach the signal. He would like to know how that increases safety. Councilman McGrath would like to know if there is a way to have electronic signs that give timing for routes, or announce crashes, and give drivers warnings and alternate routes.

Finally, Ms. Fluitt outlined next steps, including publishing a newsletter in March, modifying Traffic Impact Analyses/Traffic Analysis Reports Policy and performing a safety

evaluation in April, and the complete streets network, transit services, and ITS/TDM analysis; and facilitating the third Steering Committee meeting in May.

#### **4. Fiscal Year 2021-22 Strategic Plan Check-in**

Randy Harrington, Town Manager, said staff had developed some suggested edits to the Strategic Plan based on Council's input at the retreat. He reminded Council that "Healthy and Active" is not being addressed until after the Parks and Recreation Master Plan revision is complete. He said Corey Petersohn would present these suggestions to Council. Mr. Petersohn gave a high level look at which initiatives had been completed, some new initiatives that are being considered, and some edits to existing initiatives, all of which were discussed at the retreat.

Discussion centered around the Organizational Excellence goal 3, Expand Community Engagement. There was discussion over whether "website" needed to be specified in addition to generic "media" terminology, how to make sure that social media and the website were interconnected, whether the new initiative to simplify the website covered this, or if Initiative 2.1, "Invest in technology such as 311 systems and the Town's website to improve internal efficiencies and external customer experience," under goal 2, Leveraging technology, covered the desired work on the website. Technology to improve the live streaming was also discussed.

There was discussion around goals that support sustainability with responsible growth. Council wanted to know if reaching for the Silver SolSmart was a goal for this year or next, and whether this would require a financial investment. Scott Chase, Assistant Town Manager, said that the investment would be in staff time, but that there were many opportunities that would not take much work in order to achieve because we are close in many areas.

Mr. Harrington said that he heard concurrence from Council with the adjustments made to meet the conversation from the retreat, with the exception of more staff work being needed on the Organizational Excellence goals around communications and the website.

#### **5. Electronic Meetings Policy**

Linda McKinney, Town Clerk, said that Council adopted the revised Mayor and Council Procedures Manual on December 17, 2019. On April 7, 2020 Council adopted the Electronic Meetings Policy to address the situation the state was in due to the COVID-19 pandemic. On May 4, 2020, the NC General Assembly passed Session Law 2020-3 to address the need for municipalities to hold remote meetings during the pandemic. The was codified as 160A-19.24

Key differences exist between the Procedures Manual, the Town's policy, and the general statute. The Manual is the most restrictive, not counting a member participating remotely for purposes of quorum, and not allowing them to vote. The Policy passed in April allowed members participating remotely to be counted toward a quorum and to vote. However, the policy did not allow for quasi-judicial matters to be heard remotely. The statute enacted by the General Assembly counted members towards a quorum, authorized them to vote, and set up conditions under which quasi-judicial matters could be heard in a remote meeting. Other key differences include the definition of an electronic meeting, which the State defined as even one elected official attending remotely, and the Town policy defined as a quorum participating remotely; and the need for ratification of decisions taken remotely at the next meeting where a quorum was physically present. This was put into the Town policy because there was not clear direction from the legislature at that time.

She said that other considerations Council might have when contemplating revisions are that attendance at meetings is not addressed in the Mayor & Council Procedures Manual. The Electronic Meeting Policy and state statute state that remote attendance for quasi-judicial hearings only be allowed when there is a state of emergency declared. They do not specify any other requirement for attending electronically. Another consideration is legislation proposed by the NC State Bar Association which would alter the provision in 160A-19.24 that requires allowing 24 hours after a remote quasi-judicial hearing for public input to be received in writing.

The Bar Association would like this changed to 24 hours *before* the public hearing. Council may wish to wait to revise their policy until after this legislation passes or fails to pass to avoid the need for another revision.

Ms. McKinney said that possible revisions include revising the Mayor and Council Procedure Manual to change the language around participating remotely to refer to the Electronic Meetings policy. That policy could be revised to align with the General Statute's definition of an electronic meeting, remove the need to ratify decisions taken at a remote meeting, and to align with the General Statutes in allowing quasi-judicial matters to be heard under the conditions spelled out in the statute.

Council discussed whether the statute was specific to the COVID pandemic. Ms. McKinney said the plain language of the statute applies to any state of emergency, hurricanes, pandemics, floods, etc. John Schifano, Town Attorney, concurred. There was discussion about in what situations Council would allow remote participation, how they wanted to use technology and what limits to put on it. There was further discussion about Mayoral declarations of emergency, and whether they triggered the state law on quasi-judicial hearings. Mr. Schifano said at this point only state or federally declared emergencies or disasters triggered 160A-19.24, but the Bar Association is pursuing whether Mayoral declarations should be added. There was discussion around time limits on declarations and Mr. Schifano told Council that they had the power to revoke a state of emergency by motion at any time. He did not recommend putting an artificial time limit on declarations because no one knows what the next emergency will be. He said that this statute only applies to quasi-judicial proceedings, that Council has the authority to hold remote meetings on other matters without a declaration of emergency. Mr. Harrington reminded Council that the current Emergency Ordinance allows the Mayor to declare a state of emergency "in consultation with the Manager, Fire Chief, and Police Chief."

Consensus was for staff to bring a revised Mayor and Town Council Procedures Manual and Electronic Meeting Policy that reflect the state statutes back to Council for approval, and to reserve any further changes pending future discussions.

## **7. Council Landfill Committee**

Randy Harrington, Town Manager, said to help frame the discussion, he put together a document around two potential models for moving forward. One would conclude the work of the landfill committee and formalize the work undertaken by Councilwoman Kelly in the subcommittee. The second model would be to conclude the work of both the committee and the subcommittee, maybe completing the work around the metrics. But the focus would be around this new group of the Managers, solid waste manager, and county leadership. Having gone through the previous work, we can engage better in staff-to-staff level work. These are thoughts for a starting point for your discussion.

There was discussion around how long-term the work of the committee and subcommittee needed to be, how to encourage Wake County and GFL to take responsibility for this work, and how much progress has been made to this point. Council also discussed the timing of getting information to Wake County relative to the budget process, the role of the Council's Legislative Committee, and the desire for Council to present a united front on this issue.

Council's consensus was to follow the second scenario, with amendments, to wit:

Conclude work of both the Landfill Committee and sub-committee

- a. Focus governing body efforts on new Wake BOCC/Town Council leadership working group and related policy efforts
- b. Have current sub-committee complete identification of the top 5-10 metrics most important to measure from our community perspective within 75 days, and then conclude the sub-committee's work; present their findings to Council at the April workshop, if ready; at BOCC/Town Council leadership group meeting request

that Wake County update their metrics to include town recommended metrics; allow Wake County and Town's Solid Waste Manager to track and report on metrics.

- c. Use Town's new Solid Waste Manager as primary engagement point with Wake County landfill staff; Solid Waste Manager's engagement at the staff level based on direction from Town Council to the Town Manager.
- d. Consider selection of two Council representatives to serve on the BOCC/Town Council leadership working group.

## **8. Legal Updates**

John Schifano, Town Attorney, said that the proposed Charter amendment is to correct a potential inconsistency between the Tree Ordinance and the Charter Authority from 2004 to allow for the enactment of a Tree Ordinance. This amendment would expand the authority of the Town to regulate the cutting and clearing of existing trees. One suggested change that was not discussed by the Legislative Action Committee was to reduce the lot size that can be regulated to ½ acre or less, instead of two acres. The remaining changes to remove the perimeter buffer language and the limitation to undeveloped property were discussed in the Legislative Action Committee. The line stating a survey of individual trees would not be required was removed, because one could not know what to save if one doesn't know what trees are there. There is also the addition of a subsection that provides for an enforcement other than delaying development for three years.

There was discussion around the differences between the current provision in the Charter and the Tree Ordinance, the process by which this proposed amendment was reached, and whether or not it changes law. Mr. Schifano said that changing the Charter does not change the Tree Ordinance, and that if the ordinance were ever changed, then it would require all the public input that any other ordinance requires. Mr. Harrington said that the proposed amendment had been sent to Representative Paré and Senator Batch because of the General Assembly's deadlines, but that bills are amended all the time and if Council desires, an amendment could be sent. There was discussion about whether this changes anything in regards to stream buffers, and Mr. Schifano said that it does not. Consensus was to leave the proposal as-is, but in future anything from a committee should come back to Council.

Mr. Schifano gave an update on the Green Oaks Crossing appeal of the Board of Adjustment decision that their multifamily was not allowed as planned. They appealed to Wake County Superior Court and the Town won on a procedural ground, lack of jurisdiction. The Town did not win on the merits, so that is still being litigated. He said his strategy will be to defend the decision of the Board of Adjustment and the Planning Director, against their complaint that Holly Springs doesn't like development. He said there were 5 or 6 more litigation matters to update Council on at a later time.

## **9. Open Discussion:**

MPT Berry asked if Council would move their Open discussion to this point and then take a break. There were no topics for discussion, so Council took a ten-minute break, and resumed with item 6.

## **6. Development Agreement Discussion for 1317 N. Main Street**

Elizabeth Goodson, Development Services, said the purpose of this item was to discuss proposed terms of a development agreement for 1317 N. Main Street, and to receive feedback for the finalization of the agreement that will be on the agenda for the April 6<sup>th</sup> Council meeting for a decision. She said they would start in open session, and then at the end transition to closed session. She showed where the property is located in town and the proposed zoning of

CB: Community Business on the Hwy 55 side, and R-MF-15: Residential on the Main Street side of the property, and gave a quick look at a preliminary layout for the property.

Ms. Goodson outlined several proposals for the Development Agreement. She said the downstream Twelve Oaks Pump Station is nearing capacity. Upgrades are planned for a future year in the CIP, but this will need to be moved sooner. The proposal is for developer to pay Capacity Replacement Fees/System Development Fees at construction drawing approval rather than building permit, to move the pump station project forward. Onsite and offsite improvements identified through a Traffic Impact Analysis include road widening along the frontage, Main St. frontage median, offsite right turn lane at N. Main St. and Sunset Lake/Smithfield Rd., and a future signal at Katha Dr. The proposed term is for the developer to construct frontage and other TIA required improvements, and contribute to two improvements with a fee-in-lieu payment for the N. Main St. median and the Katha Drive signal.

She said that typically plats are not done until infrastructure is in place. But the need to create lots for affordable housing prior to infrastructure construction was identified, and the proposal is to allow initial subdivision plat at a time more appropriate to the development needs. It would be a plat to distinguish the two sections, further plats would occur at a later date. Finally, the UDO provides for a maximum building height of 55 feet, and the proposed term would allow a maximum building height of 90 feet to build the commercial building. Councilwoman Kelly asked if putting this in the agreement would automatically approve this building height. Ms. Goodson said they would still have to go through site plan approval, but having it in the Agreement would allow the larger height. Mr. Harrington, Town Manager, said the topography of the land might make the building look shorter than the 5 stories the developer is asking for. Mr. Schifano, Town Attorney, said if this height allowance is put in the Agreement, it gives them the right to do that. The developer is interested in having a 5-story building. Council does not have to give them that right. Councilman Wolff asked if increased height could be tied to increased buffers. Staff said that the distance from the property line to the building could be built into the Agreement and that distance from the property line can be tied to the height variance. Ms. Goodson said that if Council desired, the Developer can be told that the neighbors need to be spoken to before the height can be approved. There was discussion about the need for landscape buffers both for privacy of neighbors and landfill odor mitigation

Ms. Goodson said that this was the end of her open session presentation.

**10. Closed Session:** The Council entered into closed session, pursuant to N.C.G.S. 143-318.11(a)(4) and (5) to discuss negotiating terms for land acquisition, and some economic development incentives.

**Motion by:** Wolff  
**Second by:** Kelly  
**Vote:** Unanimous

*General Account of Closed Session:*

John Schifano, Town Attorney, gave Council an update on possible terms for land acquisition. Irena Krstanovic, Director of Economic Development, gave Council an update on a possible economic development project.

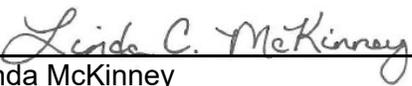
*-End of General Account*

Motion to return to open session was made by Councilman Wolff seconded by Councilman McGrath and passed with a unanimous vote.

**11. Adjournment:**

Motion to adjourn was made by Councilman Wolff seconded by Councilwoman Kelly, and passed with a unanimous vote. The March 9, 2021 workshop meeting of the Holly Springs Town Council was adjourned at 10:54 pm.

Respectfully Submitted on Tuesday, March 16, 2021.

  
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Linda McKinney  
Town Clerk