



MINUTES

The Holly Springs Town Council met in regular session on Tuesday, February 16, 2021 in person and via video conferencing. Mayor Pro Tem Berry presided, calling the meeting to order at 7 p.m. A quorum was established as the Mayor Pro Tem and three Council members were present in the Chamber and one Council member was present via video conference as the meeting opened.

Council Members Present: Mayor Pro Tem Dan Berry, Councilmen Peter Villadsen, and Aaron Wolff, and Councilwoman Christine Kelly.

Council Members Present via video conference: Councilman Shaun McGrath

Council Members absent: Mayor Sears.

Staff Members Present in Chambers: 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); Mark Andrews, *Communication and Marketing*; Jeff Wilson, *Director, IT*; Mathew Mutter, *IT*; Irena Krstanovic, *Director Economic Development*;

2. and 3. The Pledge of Allegiance was recited followed by an invocation by Pastor Jamal Brown of Holly Springs United Church of Christ.

MPT Berry noted that the Town's current electronic meeting policy is in conflict with Senate Bill 704 regarding quasi-judicial hearings, so he moved to suspend Administration Rule AD-15, Electronic Meetings Policy, to allow remote participation in the quasi-judicial hearing.

Council discussed the fact that the Policy was written before the General Assembly passed the statute allowing quasi-judicial matters to be handled in virtual meetings, and Town Attorney, John Schifano clarified that an electronic meeting has always been allowed by statute, but that SB 704 spoke to the permissibility of holding an electronic meeting so that witnesses could also participate remotely. Town Clerk, Linda McKinney was asked if any witnesses would be appearing remotely, and she affirmed that all witnesses were present in Town Hall. There was discussion about revising the Policy to bring it in line with SB 704 regarding quasi-judicial hearings, whether or not virtual attendance should be connected to the reasons for the State of Emergency, and other considerations. It was requested that this be made a topic on a future workshop.

Mayor Pro Tem Berry said that he brought this up because, with Mayor Sears out and Councilman McGrath attending virtually, there was the chance of a 2-2 tie, with no one to break the tie if CM McGrath were not allowed to participate. He made the motion in the interest of having enough people to conduct tonight's business. It was mentioned by several Council members that if Council moves to authorize the Board of Adjustment to conduct these types of quasi-judicial proceedings, like other municipalities in the area, this will not be an issue, because they have alternates to sit when members are unable to attend.

It was requested that the motion be amended to add that presenters be given the opportunity to continue their matter if they did not want to proceed with a Council member participating remotely. MPT Berry accepted this amendment.

Action: Motion to suspend that section of Administrative Rule AD-15 Electronic Meetings Policy which prohibits participation in quasi-judicial hearings by those attending remotely, and to provide an opportunity for those appearing before Council to object and continue their hearing to a later meeting.

Motion by: Berry

Second by: Villadsen

Vote: unanimous

4. Agenda Adjustment: The February 16, 2021 meeting agenda was adopted with changes, if any, as listed: none.

Motion: Villadsen

Second: Wolff

Vote: Unanimous

Public Comment: Public Comment was requested in writing prior to the meeting. The following number of comments was received and provided to the Council prior to the meeting: one comment requesting landscaping changes along the greenway next to Lowe's Home Improvement.

Recognitions

5. Oath of Office for new Planning Board and Board of Adjustment Members

Town Clerk, Linda McKinney, gave the oath of office to Planning Board members Courtney Patterson and Joanna Holder, and Board of Adjustment members Cody Loughridge and Christian Youngbluth.

Requests and Communications

6. Annual Report from the Parks and Recreation Advisory Committee

LeeAnn Plumer, Director of Parks and Recreation introduced Susan Smith, who was presenting remotely.

Susan Smith, Chair of the Parks and Recreation Advisory Committee (PRAC) apologized for not being able to come in person, because she was in self-lockdown. She said the purpose of the Committee is to work with Town Staff and Town Council to work on long-range planning for the Parks and Recreation Department. She said that in March of 2020 the Committee established two main areas of focus for the year: to review and take action on updates in reference to the Parks, Recreation, and Greenways Master Plan, and Department projects and initiatives as presented; also to actively attend Town and Department events as a way to gather feedback and information from the community and bring it back to the Department.

She shared some highlights of the past year: The PRAC received presentations and information from citizens; recommended a new Parks Ordinance establishing formal rules for Town parks and greenways. They made recommendations to support: purchasing of land west of Highway 55 for a future park; dog park and restroom facilities at Sugg Farm; and scholarship policy considerations and updates. They established new member events to integrate new members on the board. They toured facilities as a group, both to get COVID related information and also to see some of the facilities individual members might not be as familiar with. They participated as active members of the Greenways Steering Committee and worked with the Tree Committee. They instituted an electronic repository for PRAC information to allow the current board access, and to be shared with future boards as well. PRAC participated in Town Events including, tree planting, the new historic marker, and the Tree Trail at Ting.

She said the short list for 2021 goals includes working with departments to establish priority projects and initiatives as recommended by the Master Plan; to engage in Town events; to obtain community input; to continue committee communication with other boards such as the Tree

Advisory Board; to continue to tour facilities; and to continue to invite Parks and Recreation Staff to share their knowledge so the PRAC can communicate back to residents. She then welcomed questions, comments or feedback.

MPT Berry and Council members thanked her for her service. There were no questions.

Public Hearings

7. Voluntary Annexation A20-09, Regency at Holly Springs

Melissa Sigmund, Development Services, said that the Petitioner has requested a delay to the March 16th Council meeting, where the Development Plan and the Annexation may be handled at the same meeting. Because the hearing was advertised, she asked that Council open the public hearing and continue it to March 16, 2021.

Action: Motion to open the public hearing and continue to the March 16, 2021 business meeting.

Motion by: Kelly

Second by: Villadsen

Vote: unanimous

8. Rhamkatte Village PUD Amendment

Cheryl Caines, Development Services, said the purpose of this hearing was to consider a major amendment for the Rhamkatte Village PUD. The amendment concerns the streetscape buffer on Holly Springs Road on either side of the Rhamkatte Road/Bass Lake Road intersection. She explained that because of overhead powerlines, Duke Energy requires a lower-growing tree. The proposed amendment would not change the number of trees planted, but would change the species from red maple to crepe myrtle, and would change the alignment of the trees to in-line with the shrubs rather than behind them. The stone columns, rather than spaced every 50 or so feet, would be at entrance points, both vehicular and pedestrian.

Chris Deshazor, Planning Board, said the Planning Board recommended approval with a vote of 9-0. Councilwoman Kelly asked if the planting of additional trees in response to the loss of the oak was discussed at Planning Board. Mr. Deshazor said that it did not come up. There was a lot of discussion about what it would look like, that it would have more of an urban feel, and that the trees were similar to other trees planted around town.

With that information provided, Mayor Pro Tem Berry opened the Public Hearing.

Tom Spaulding and Garret Baker of The Spaulding Group, presented for the applicant. Mr. Spaulding showed the location of the amendment and the existing conditions in the area. He said that when the Lowe's Foods shopping center was built, there were two variances. One was to allow the height to be increased, and the other was to allow the columns. Part of the reason for that was there was no hedge behind the parking because of the landscape, and the decision was to move the hedge up to the top of the hill. It was done for the entire PUD, including both sides of the road. That was a long time ago. He said that on this side of the road they wanted the buildings to be more visible. He then said that the Duke Progress Energy requirements would not allow red maples to be planted under overhead powerlines. This is the same number of trees and the same species of shrubs. But the columns are moved. He said that the use of crepe myrtles was consistent with the Town of Holly Springs Thoroughfare Planting Plan and that the tree is similar to what is in front of Town Hall.

Garrett Baker said that the primary reason for requesting this amendment is that Duke Energy will not allow the red maple in this location. He said they worked with Duke for several months and this was what they were able to negotiate. The Chinese Pistache tree is on the Thoroughfare Planting Plan, but Duke said that gets too tall. But the adjacent lot has Biloxi Crepe Myrtle, which is the same tree used in the median in front of the site. They will use the same shrub,

Dwarf Burford Holly, but they needed to shift the tree line towards the street to avoid the powerlines, and they can't plant a shrub on top of the tree's roots. The site has multiple access points. Across the street, the columns have disappeared under the shrubs, and they want to celebrate them and accent them, so that's why they want to change the spacing of the columns.

Councilwoman Kelly asked if, with the change to these smaller trees, if there would be more large trees somewhere else in the PUD to keep the number of small, medium, and large trees the same as in the original plan. Mr. Baker said that large trees, oaks, were added on the north side, between the parking lot and residential area, and he thinks it is probably a one-to-one replacement. Councilman McGrath asked for confirmation that the change was directed by Duke Energy. Mr. Spaulding said that the change in tree species was directed by Duke Energy and the applicant took that opportunity to change the location of the columns.

There being no further input Mayor Pro Tem closed the public hearing.

Action: Motion to approve Planned Unit Development amendment 00-PUD-05-A11 with conditions listed in the agenda packet.

Motion by: Wolff

Second by: Villadsen

Vote: unanimous

9. Rhamkatte Plaza Development Plan and Special Exception Use

Cheryl Caines, Development Services, said the purpose of this item was for Council to consider the request for Special Exception Uses, Development Plan, Variances and Waivers for Rhamkatte Plaza. The Land Use and Character Plan is Neighborhood Center, and the Zoning is PUD. The applicant's proposal is for an integrated center, with a mix of office and retail, with three buildings with an approximate square footage of 58,251 square feet. She said that the associated variances would be to reduce the front yard setback along Holly Springs Rd. from 30 feet to 20 feet, reduce the front yard setback along Rhamkatte Road from 30 feet to 20 feet, and to allow two drive aisles, parallel to Rhamkatte Road, with parking between them. The first three Waivers (20-WAV-26 -27, and -28) requested are for alternate compliance to Architectural Design Standards for each of the three buildings, which include a roof line greater than 50 feet without a change, and building bays which exceed 30 feet, and percentages of animated features less than minimum requirements. Waiver 20-WAV-29 would be to allow more than 75% of the parking to be between the building and Rhamkatte Road, and the third Waiver, 20-WAV-30, would be to allow loading spaces less than 12 ft by 55 ft, because the type of building use intended does not require deliveries from tractor trailer trucks.

Bronwyn Bishop, Utilities and Infrastructure, said the Traffic Impact Analysis was done for the original PUD and it was updated for this project. The TIA update studied four intersections and the applicant paid a fee-in-lieu of Holly Springs Road widening with the development of 2018 Market, and will pay a fee-in-lieu of the right turn lane at Holly Springs Rd. and Main Street. She said that there will be one right-in right-out access off of Holly Springs Rd., and the rest of the access would be from Rhamkatte Road. No additional right-of-way or pavement would be needed for the Holly Springs Road Widening project. She said the project would connect to existing sewer main and water main in the 2018 portion of the Rhamkatte PUD.

MPT Berry asked about the sidewalk project there, and what the applicant was doing towards it. Ms. Bishop said that the sidewalk is in existence already. This area will have repaving and restriping only.

There was discussion about whether to get the applicant's consent to proceed at this point or later. Town Attorney John Schifano said if they had a lot of questions they could ask now. Otherwise they could ask before opening the Public Hearing.

Councilwoman Kelly asked about traffic flow, particularly for those crossing Holly Springs Road from the Lowe's Food shopping center. Ms. Bishop said that the construction of the median is dictating a lot of right-in right-out access points. NCDOT wants to see 1,200 feet between access points. Except where there are the median breaks, NCDOT requires right-in, right-out. Leaving

Lowe's Foods, one would turn right on Holly Springs Rd. and turn left into Rhamkatte Rd., or take a left onto Bass Lake Rd. out of the parking lot and cross Holly Springs Rd. at that intersection.

Chris Deshazor said that the Planning Board recommended approval with a vote of 8-1. He said they were pleased with the walkability. There was a question about a cemetery that used to be there. Mr. Crandall voted against because of the reduced loading zone sizes. Councilwoman Kelly asked if there was a question around EV Charging stations. Mr. Deshazor said there was and Planning Board was told there would be charging stations.

With that information provided, Mayor Pro Tem Berry asked for the applicant's consent to proceed with the public hearing. They said that they were comfortable with proceeding.

MPT Berry opened the Public Hearing.

Jason Baron, of Morningstar Law Firm, 421 Fayetteville Street, Raleigh appeared for the applicant. He asked that the staff report and attached exhibits be accepted into the record. He said that the vast majority of the modification requests are designed to facilitate a more urban pedestrian landscape. Second, he said they understand that the community is watching with respect to trees. They heard feedback from Council on the tree that was removed by the owner, without the applicant's knowledge. And because of that, six trees are being added between this project and the residential area. They understand the sensitivity of the removal of the oak, and want to add the screen between residential and commercial, without affecting the walkability.

Tom Spaulding, of The Spaulding Group, 1611 Jones Franklin Road in Raleigh, said that this PUD was 20 years old, and when they brought this project to the Technical Review Committee (TRC) a year ago, the TRC was happy to see the type of uses that were planned. He said that the project's being surrounded on three sides by roads affected their ability to meet the Local Business requirements. He said that the existing conditions on the site include over 25-foot elevation change, a Colonial Gas line and Duke Energy Power Line Easement, all of which make the site challenging.

Mr. Spaulding said the site plan is for three buildings. Building 1, two-story 10,000 sq. ft. per story; Building 2 – two-story 15,000 sq. ft. per story; and Building 3 one-story of 8,251 square feet. He said there were four vehicular access points, and seven pedestrian access points, and the vision was to have a pedestrian plaza of 3,500 sq. ft. with seating and moveable landscape pots and/or boxes. He said having roads on three sides created the need for the parking variance. He said that the loading zone regulations are set up for tractor-trailers, and the plan meets the requirements for the loading zone waiver because there will not be tractor-trailers making deliveries. He said that their buildings will be some of the smaller buildings in the area.

Mr. Ted VanDyke with City Design Group showed proposed building elevations and discussed the architectural waivers being requested. He said all four sides of the buildings are visible – there is no back. The buildings are attractive on all four sides. Moving them toward the street increases the urban feel, and gives more distance between commercial and residential. There are lots of variations in these buildings. The Plaza is over the Colonial Pipe Lines easement, where they could not build. This is "place making" and also, as COVID has shown, outdoor dining is very useful. They created corner elements because the back of the shops faces Holly Springs Rd. and they wanted to make a gesture to the corner with the awnings and plantings.

Garrett Baker, landscape architect with TMTLA Associates in Chapel Hill, showed an overhead rendering of the three buildings and the parking area. He showed how the street buffer PUD amendment would look. He showed that three pedestrian access points from Rhamkatte Rd. carried through to the front of the buildings. The Plaza is taking an abandoned utility easement and turning it into something that is more vibrant and useable. He said there were enhancements to the BMT pond, sight lighting that is pedestrian scale throughout, and full frontage of the buildings, fully landscaped around all sides of all buildings. There are overhead canopy trees in the parking lot. Three additional oaks and three Nellie Stevens Holly trees were added between the residential and the commercial uses. The BMT is another greenspace and there will be benches and other pedestrian friendly features there. He said they are increasing the site by 25% over what is required in terms of tree canopy cover, as well as providing some oaks to compensate for the smaller trees for the PUD amendment and the lost oak tree referred to earlier.

Mr. Barron said that he believed that this development plan satisfied the evidentiary requirements, and asked for approval.

MPT Berry asked the applicant to point out the loading spaces on the plan and asked if they would be striped. Mr. Spaulding said the first one is next to Building 2, parallel to the side and the second is closer to Building 3, also parallel, in front of the Plaza. He said they would probably be striped "loading zone."

Councilwoman Kelly said that she does not see pedestrian access from across Holly Springs Rd. She pointed out that there were no benches or anything on Holly Springs Road side that would make it pedestrian friendly. She said the building with the awnings looks pedestrian friendly, but the big building does not feel like it has the same vibe. She said they were missing the opportunity to make it less clinical looking. She would like it to be more inviting for the people across Holly Springs Rd.

Mr. VanDyke said the site has been a challenge. They spent a lot of time creating pedestrian access to the Plaza. The sidewalk meets Holly Springs Road and there will be columns. The entry in the other side is articulated with a large entrance. He said that crossing Holly Springs Rd. was out of their scope, but they are trying to link the site from front to back for pedestrians.

Councilwoman Kelly asked what Council's options were for increasing pedestrian safety, since this PUD has been around for a long time.

Randy Harrington, Town Manager, said staff can continue to work with the applicant in terms of design. Obviously pedestrian safety is important to Mayor and Council.

Councilman Wolff said there is existing sidewalk at the school. Maybe that should move to the top of the list for installing a flashing crosswalk. Councilman Villadsen said there is already a flashing crosswalk at the school, but there are more things that the Town can do. Bass Lake has a crosswalk that is signalized. When Rhamkatte PUD was first updated five years ago, having commercial was a very positive thing. He said he was also glad that they are using the name Rhamkatte, as it's good to have that history around.

MPT Berry said that going back 20 years, it is interesting to see how that area has built out. It is going to continue to generate more pedestrian activity. He appreciates the interest in keeping pedestrian connections, and keeping them safe.

Mr. Harrington said that as part of the Comprehensive Transportation Plan update, staff is looking at the Bass Lake Rd. / Holly Springs Rd area, and maybe some features or improvements might come out of that.

There being no further input Mayor Pro Tem closed the public hearing.

Action 1: Motion to adopt Resolution 21-05 to make and accept the Findings of Fact for consideration of Special Exception Uses, Variances, and Waivers.

Motion by: Wolff

Second by: Villadsen

Vote: unanimous

A copy of Resolution 21-05 is attached to these minutes.

Action 2: Motion to approve Rhamkatte Plaza with the conditions stated in the agenda packet.

Motion by: Villadsen

Second by: Wolff

Vote: unanimous

10. 201 W. Elm Special Exception Use

MPT Berry asked the applicant if he consented to the electronic meeting. He consented.

Cheryl Caines, Development Services, said the purpose of this item was for Council to consider a request for a Special Exception Use to allow an Accessory Dwelling Unit (ADU) in an existing detached structure in the R-15 Residential District. The lot is on the corner of Elm and

Avent Ferry, in the Avent Acres subdivision. The applicant would like to use the accessory dwelling unit as a mother-in-law apartment.

Bronwyn Bishop, Utilities and Infrastructure, said the unit would be served by existing water and sewer services, and the connection made by a private plumber, since it will be behind the meter. No additional right-of-way dedication is required with this request.

Chris Deshazor, Planning Board, said that the Planning Board recommended approval with a vote of 9-0. There was a question about the pool in the back, but that has no bearing on this decision. He went through the timeline of the approval for the current structure. Councilwoman Kelly asked if parking was discussed. Mr. Deshazor said that there was parking in the driveway.

With that explanation, Mayor Pro Tem Berry opened the public hearing.

Alan Baumann, 201 W. Elm Ave., Holly Springs, the applicant, said that he wanted to upgrade the current outbuilding to a mother-in-law apartment. The use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare. The proposed use will not injure or adversely affect the adjacent area. He said that ADUs are becoming more needed as baby boomers age and need to move in with family members.

He gave the background of the permitting of the existing building in 2002. It is approximately 939 square feet and has electricity. The unit will be improved upon adding safety and comfort for his mother-in-law. It will be consistent in style and color with the main residence. The unit will have one bedroom and will occupy approximately 690 square feet of the existing building. He said there is ample parking for five vehicles on the property, with three in the driveway and two in the garage. No waiver from standards of use or building codes will be required. He said the ADU will have all of the typical facilities of any residential unit, and will have added features for handicapped accessibility.

He explained how this ADU meets the Vision in Holly Springs Strategic Plan to preserve a family-friendly community and the Mission Statement of the Comprehensive Plan in that it fosters a greater sense of community. The property is close to the downtown district and his mother-in-law would be able to enjoy the benefits of Downtown without getting in her car.

There being no further input Mayor Pro Tem closed the public hearing.

Mayor Pro Tem Berry and Council members thanked Mr. Baumann for an excellent presentation. Councilwoman Kelly asked for clarification that ADUs are currently allowed for family members, not as rentals. John Schifano, Town Attorney, said that was the case, but that the Supreme Court defines family as a collective group that shares expenses, so it is a broad definition. Councilwoman Kelly said she wanted to be sure the applicant was aware of that restriction, and also to ask that, if the rewrite of the UDO changes that, would there be enough parking if the unit were later rented to a non-relative. Mr. Baumann said that there was adequate parking.

Action 1: Motion to adopt Resolution 21-06 to make and accept the Findings of Fact for consideration of and to approve Special Exception Use.

Motion by: Villadsen

Second by: Kelly

Vote: unanimous

A copy of Resolution 21-06 is attached to these minutes.

Action 2: Motion to approve 201 W. Elm Avenue with the conditions stated in the agenda packet.

Motion by: Wolff

Second by: Kelly

Vote: unanimous

11. Woods Creek Elementary School Sewage Pump Station

MPT Berry asked the applicants if they consented to the meeting continuing with one Council member attending virtually. Mr. Haywood, attorney for the applicant, said they were prepared to move forward.

Cheryl Caines, Development Services, said the purpose of this item is for Council to consider a request for Special Exception Use (SEU), Development Plan, Variance and Waivers for Woods Creek Elementary School. The SEU is to allow a school in the R-30 Residential District. The associated Variance and Waivers are to allow a building height of 55 ft 7 inches (instead of the 35-foot maximum) and the Waivers are to allow a 25% reduction in parking from 196 spaces to 147, and to allow alternate compliance for architectural design standards. She showed on an elevation the few specific locations where the waivers are being requested. Rooflines are extending for more than 50 feet and there are metal panels on some facades.

Rachel Jones, Utilities and Infrastructure, said the Traffic Impact Analysis (TIA) studied four intersections. There will be three site access points. Under NC General Statute, the UDO Section 7.07 requirement for thoroughfare widening is not applicable to public school construction. But the school has provided the required right-of-way dedication to allow the full cross section buildout. There will be full access at the farthest north access point, ingress only in the middle, and egress only at the south end, near the pump station site. She said there will be a connection to reclaimed water and potable water, built either by the school or by Carolina Springs, depending on the speed of construction, and that sewage would go to the new Woods Creek Sewage Pump Station, formerly known as Carolina Springs Pump Station #2. It was moved across the street after further site study showed this to be the best site for the pump station. From there it will connect to a force main to Carolina Springs Pump Station #1. The necessary hydraulic studies were completed.

The lack of sidewalk improvement across the frontage of Woods Creek Road was discussed, and Ms. Jones said that, while state statute does not allow the Town to require a sidewalk, the school system did provide staff with a cost estimate for designing a public sidewalk, if the Town would like to look at it as a future project.

Chris Deshazor, Planning Board, said that Planning Board said it was always good to have a new school. They discussed tree preservation and the reduction of parking. Applicant explained that there is a middle school coming and they will share parking spaces. For special programs, cars can park on the bus loop. Planning Board voted for approval with a vote of 9-0.

With that explanation, Mayor Pro Tem Berry opened the public hearing.

Kenneth Haywood, Attorney with Howard, Stallings and From, 5410 Trinity Road, Raleigh, introduced himself as council for Wake County Public Schools. He said that this is a new school design, non-prototype, and it will be really exciting from an architectural standpoint, and also allow the children to learn under daylight instead of florescent lights.

Elizabeth Sharpe, Director of Planning and Design for WCPS, said this site would be a school full of collaborative spaces. There will be an elementary school and later a middle school on the site. The elementary school would have a capacity of 716 K-5 and 20 Pre-K students. There will be no mobile classrooms. It will be a two-campus site, with non-prototype buildings. In the Spring of 2023 this will be used for Baucom Elementary School renovation swing space, and in Fall of 2024 will open as Woods Creek Elementary School.

Alice Reece, CLH Design, Cary, NC, landscape architect, said she was a licensed landscape architect in North Carolina. She said that the natural and manmade features of the site provide an opportunity for non-prototype buildings. The site fronts on Woods Creek Road. There is a ridge running through the site from north to south, there are streams on the perimeter of the site, and the low points of the site are along the stream area. There is a gas line along the south of the property. They sited the building on the ridge and took advantage of the topography to have a 2-story wing, whose upper level is the same height as the main part of the building. There are mature canopy trees in the tree buffer to the west. She outlined the driveways and the traffic flow through the site. Carpool stacking will provide 2,440 linear feet, which is more than is required. Play areas

for the children are directly next to the building on three sides. The site will be served by town water and sewer. She said they are requesting a reduction in parking to 75% compliance with 147 spaces. Wake County Public School's guideline for a school of this capacity is 115 spaces, so this will meet the need. By reducing the parking, she said they can reduce the impervious surface and increase the buffer. Once the middle school is built parking will be shared. Before that time, the bus loop and the car pool lane will increase the parking to 209 possible spaces for after school events.

Brad Farlow, Skinner Farlow Currin, 301 Glenwood Ave, Suite 20, Raleigh said he is a registered architect and has been for 29 years. He explained that the waivers are requested so that the building functions as a school. They are keeping windows where they are needed for classrooms, keeping the wall plane to facilitate student movement, and expanding the roof plane to suit the site and the building's use. He showed elevations from the front and back of the building. He showed an overview, that showed the building was well set back from the road with landscaping that fits the location. He said most new elementary schools in Wake County are three floors. Because of the topography, they were able to keep it to one story, until the land slopes down where they can have two stories but keep the roof height the same as the one-story building. The large roof slope allows for windows that bring light into the middle of the building. He said the increased height is only at the peak points of the roof which are back from the front of the building. The average roof height is 36 feet, which is one foot above code, but the peaks are higher.

Mr. Haywood asked if there were any questions and said he could bring others up to answer questions as needed. He asked that the staff report be entered into the record to support their application. He said that their request meets all the requirements, and requested approval.

There being no further input Mayor Pro Tem closed the public hearing.

Mayor Pro Tem Berry asked whether this school would be year-round or traditional schedule and Ms. Sharpe said that would be decided according to what the needs are when the school opens as Woods Creek Elementary in 2024.

There was more discussion about the sidewalk, and the safety of children walking to school and having to cross Woods Creek Road. Mr. Haywood said there are going to be internal sidewalks, but that once you start talking about offsite road improvements you get to the statue passed by the General Assembly about who bears responsibility. Randy Harrington, Town Manager, said that the estimated cost for sidewalks across the full frontage was around \$500,000. Council asked if children would be bussed if their parents did not think it was safe for them to walk, even if they lived closer than 1.5 miles, and Ms. Sharpe said that would be handled by the Transportation Department of Wake County Public Schools so she could not answer. Ms. Reece said that once Carolina Springs gets developed and the road gets built out, there will be a crosswalk and the opportunity to cross there and then walk within the site on the internal sidewalk.

Councilman McGrath said that to address the Finding of Fact that the project is not "injurious to safety" requires mentioning improving the bridge on Old Holly Springs Apex Road, especially if busses are going to use that road. He also asked about whether green energy would be incorporated into the building. Mr. Farlow said that green energy has not been cost effective in schools yet, but there is the space to add it in the future. The sloping roofs face south, and would be a place solar panels could go in the future, but that is not part of the plan at this point.

Action 1: Motion to adopt Resolution 21-07 to make and accept the Findings of Fact for consideration of Special Exception Use, Variance, and Waivers.

Moved by: Wolff

Second by: Kelly

Vote: Unanimous

Action 2: Motion to approve Woods Creek Elementary with the conditions stated in the attachment.

Moved by: Villadsen

Second by: Kelly

Vote: Unanimous

Consent Agenda

The Council passed a motion to approve all items on the Consent Agenda. The motion carried following a motion by Councilman Villadsen, a second by Councilman Wolff and a unanimous vote. The following actions were affected:

12. Minutes – The Council approved minutes of the Council business meeting held February 2, 2021, the 2021 Annual Mayor and Council Retreat held February 5-6, 2021, and the Council workshop held February 9, 2021.

13. Monthly Budget Amendment Report - The Council received the monthly budget amendment report.

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

14. Budget Amendment and Establishment of Capital Project Ordinances - The Council approved a budget amendment and adopted the following capital budget project ordinances: Parks and Recreation Capital Reserve Ordinance; Streets Capital Reserve Ordinance; Water Capital Reserve Ordinance; Waste Water Capital Reserve Ordinance; Stormwater Capital Reserve Ordinance; PAYGO Project Ordinance; Grants and Special Revenue Project Ordinance; Parks and Recreation Project Ordinance; Street and Sidewalk Project Ordinance; and Town Building Project Ordinance.

Copies of the Budget Amendment and Ordinances 21-02, 21-03, 21-04, 21-05, 21-06, 21-07, 21-08, 21-09, 21-10, 21-11, and 21-12, are attached to these minutes.

15. Woods Creek Elementary School Sewage Pump Station Preliminary Site Plan – The Council approved the Preliminary Pump Station Site Plan as submitted with the Woods Creek Elementary School Development.

NEW BUSINESS

16. I-540 Utility Relocation Agreement (TOHS Eng. Proj. #18-001)

Aaron Levitt, Utilities and Infrastructure, said the purpose of this item was for Council to consider approval of the I-540 Utility Relocation Agreement. He said that the I-540 project is under construction and will require several Town utilities to be relocated due to construction conflicts. The estimated completion date for this section is 2023 and the project is on schedule. A project budget was approved by Council in November 2019, but the design scope changes have required adjustments to the budget. He gave Council an update on what has been accomplished so far.

He showed where along Holly Springs Road and Sunset Lake Road these relocations would be needed. He said that NCDOT thought the Town needed a new pump station, but town staff developed a better option which will save the Town money and improve maintenance issues. He said that funding would be accomplished via the quarterly budget amendment previously approved, moving \$739,750 to a project account which includes \$644,750 originally held in Utility Fund Balance, along with \$30,000 from Sewer Reserves and \$65,000 from Water Reserves.

Councilman Wolff asked if the amount the town is required to cost share is dependent on the population at the time of the project. Mr. Levitt said it was and the Town was just shy of the population that would require we pay 50%. Councilman Wolff asked if that would change with the 2020 Census. Mr. Levitt said that to his knowledge DOT is using the 2010 numbers for this project. This should be the last change, pending design changes in the field. The Town does not pay this until the project is complete, in 2023.

Action: Motion to approve the utility relocation agreement between the Town and NCDOT/Turnpike Authority and increase the project budget by \$95,000 using water and sewer reserves.

Moved by: Villadsen
Second by: Kelly
Vote: Unanimous

OTHER BUSINESS

Mayor Pro Tem Berry sent his best wishes to Mayor Sears and said he hopes he is doing well. He said in our zip code 27540 there were 2,110 COVID cases, and 5 deaths, which is sadly 2 more deaths than the last time it was reported in Council. Secondly, he asked residents to be cognizant of crosswalk safety. It is something the Town cares about, as evidenced by tonight's discussions. He asked people to please slow down in neighborhoods and watch out for kids.

Councilwoman Kelly asked that there be a future workshop agenda item to discuss the rules of procedure for electronic meetings, because this COVID situation has gone on for longer than was anticipated when the policy was approved. There was consensus to discuss this at a workshop, and it was suggested that this discussion should include using Boards to conduct quasi-judicial hearings, and increased funding in the budget for technology. Councilman McGrath expressed his agreement with this, and then the connection with him was lost.

Councilman Wolff said he was excited that kids are going back to school, at least those in K-3. He said that anyone who is a teacher or child care worker is eligible to be vaccinated starting Feb. 24th, with the rest of phase 3 eligible on March 10th. You can find out what phase you are in on the state's Find Your Spot web site.

MANAGER'S REPORT

Randy Harrington, Town Manager, said he wanted to recognize that in celebration of Black History Month the Cultural Center has been working with the MLK Committee to present a virtual movie event, Let Freedom Sing, on Feb 19th and 20th. Details are on the Town website.

Secondly, he said that he would be getting an update on Wednesday on where Wake County is vis a vis COVID, and if the numbers go in the direction he thinks they will, he will reach back out to see if Council is comfortable with moving back to in-person public attendance. Council members indicated that if they were amenable to this.

CLOSED SESSION: The Council entered into closed session, pursuant to N.C.G.S. 143-318.11(a)(4) to discuss four economic development matters. No grants will be made in this closed session. There is one legal matter, pursuant to N.C.G.S. 143-318.11(a)(3).

Motion by: Kelly
Second by: Villadsen
Vote: Unanimous

General Account of Closed Session:

Irena Krstanovic, Director of Economic Development, gave Council an update on four Economic Development items. John Schifano, Town Attorney, gave Council an update on a potential litigation matter.

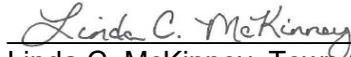
-End of General Account

Motion to seal the minutes of the closed session was made by Councilman Villadsen seconded by Councilwoman Kelly and passed with a unanimous vote.

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

Adjournment: Mayor Pro Tem Berry made a motion to adjourn at 11:04 pm. It was seconded by Councilman Wolff and passed with a unanimous vote.

Respectfully Submitted on Tuesday, March 2, 2021.



Linda C. McKinney, Town Clerk

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