

# Holly Springs Town Council Minutes

## Regular Meeting March 4, 2008

The Holly Springs Town Council met in regular session on Tuesday, March 4, 2008, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Dick Sears presided, calling the meeting to order at 7 p.m. A quorum was established as the mayor and four council members were present as the meeting opened.

**Council Members Present:** Councilmen Vinnie DeBenedetto, Hank Dickson, Chet VanFossen and Tim Sack and Mayor Sears.

**Council Members Absent:** Councilman Parrish Womble.(arrived at 7:13 p.m.)

**Staff Members Present:** Carl Dean, town manager; Chuck Simmons, assistant town manager; John Schifano, town attorney; Joni Powell, (recording the minutes); town clerk; Drew Holland, finance director; Alison Huffman, planner I; Gina Clapp, director of planning and zoning; Mark Zawadski, planner I; Stephanie L. Sudano, director of engineering; Elizabeth Goodson, development review engineer; Kendra Stephenson, senior engineer; Len Bradley, parks and recreation director; Adam Wunsch, IT technician; Police Chief John Herring; Lt. Anthony Revels and Lt. Robbie Parrish of the police department; Daniel Weeks, project analyst; and Mark Andrews, public information officer.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Horace Ferguson, pastor of Holly Springs United Methodist Church.

**4. Agenda Adjustment:** The March 4, 2008 meeting agenda was adopted with changes, if any, as listed below.

**Motion By:** Sack

**Second By:** DeBenedetto

**Vote:** Unanimous

**Items Added to the Agenda:** Three items were added to the Consent Agenda: **8j.** enter into covenants for HSBP; **8k.** enter into contract for Hunt Center roof repair; and **8l.** adopt budget amendment for rain barrels.

**Items Removed from the Agenda:** None.

**Consent Agenda Items Moved to New Business:** None.

**Other Changes:** None.

**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 input was recorded:

Pat Colern, 148 Cline Falls Drive – Mr. Colern expressed concern school pedestrian traffic in his neighborhood. He suggested that the Town attempt to control speeds and install stop signs.

**6a. Design of Official Town of Holly Springs Flag** – President Tommy Guess and Vice President Becky Bailey of the Mayor's Youth Advisory Board addressed the Council, reporting that recently the youth group created designs for a proposed official Town flag for the Town of Holly Springs. The group is made up of local youngsters who meet with the Mayor once a month to discuss town issues from a youth perspective.

Tommy said when the youngsters suggested that the Town have its own official flag, members decided to design one. Several designs were submitted, and the group voted on what the group deemed the best design that incorporated the town's seal or logo, which are registered service marks with the Secretary of State.



Becky thanked the Council for a chance to address an issue that is important to her, and she unveiled the winning flag design: the flag features a wide green stripe across the top horizontally; a white field in the center; and another wide green stripe across the bottom horizontally. The colored town seal is affixed to the top left corner of the flag field, partially on top of the wide green bar and partially on the white center field. The colored town logo is centered horizontally and vertically upon the white center field.

Councilman Dickson commended the students for noticing a need and doing something about it rather than just complaining about the town's not having a flag.

Councilman Sack complimented the sharp design.

**Action:** The Council approved a motion to adopt a design for the official Town of Holly Springs flag: *a wide green stripe across the top horizontally; a white field in the center; and another wide green stripe across the bottom horizontally. The colored town seal is affixed to the top left corner of the flag field, partially on top of the wide green bar and partially on the white center field. The colored town logo is centered horizontally and vertically upon the white center field.*

**Motion By:** Mayor Sears

**Second By:** Tim Sack



**Vote:** Unanimous.

**7a. Public Hearing: Special Exception Use Petition 07-SEU-11, Holly Springs Middle School, –** Mr. Zawadski said the Town has received a request for a Special Exception Use to locate a middle school near the intersection of Avent Ferry Road and Cass Holt Road in a residential zoning district. The proposed project is 14.88 acres and is located on the same property as Holly Springs High School and Holly Grove Elementary School.

He said the request includes a 196,593-square-foot, three-story middle school that would be located between the existing elementary school and high school. The plan also includes a new softball field located near the existing softball field and a track and field adjacent to Autumn Park Subdivision. The majority of the required parking spaces were approved and constructed with the elementary school, but an additional 42 spaces would be constructed with the middle school. The new building would face Avent Ferry Road and would be accessed by the existing bus/service entrance on Cass Holt Road and the main entry on Avent Ferry Road.

Mr. Zawadski said the building is proposed to be constructed with a combination of brick and architectural metal panels. The color palette includes a combination of light and dark shades of brown. He said various architectural elements such as multiple building materials, façade modulation, roofline variation, multiple brick patterns, and translucent wall panels are proposed. Also, Wake County Public School System is hoping to receive certification by The Leadership in Energy and Environmental Design (LEED) Green Building Rating System for the design of the middle school building.

Mr. Zawadski said a waiver has been requested to allow the building facades to be less than 60% masonry as required by the UDO. The proposed building includes a total average of 48% masonry on all four building facades.

A variance also has been requested to exceed the maximum building height in the R-30: Residential District by 25 feet. The maximum building height in the R-30: Residential District is 35 feet, and the proposed building height for the middle school is 59 feet, 4 inches.

Mr. Zawadski said a request also has been submitted to exceed the maximum lighting levels permitted by the UDO to light the football and baseball fields to a safe level. The UDO permits a maximum of 15 foot-candles, but allows athletic fields to exceed the maximum lighting level, subject to the approval of the Town Council, when needed to accommodate tournament-level play.

This project was tabled at the Feb. 19, 2008 Town Council meeting due to the Transportation Impact Analysis' still being under review. The TIA was submitted late in the development review process. The TIA review has been completed, and the conditions of approval recommended by staff have been updated to reflect the final requirements of this project.

With that explanation completed, Mayor Sears said the public hearing was continued and is open to accept sworn testimony. The following testimony was recorded under oath administered by the Town Clerk:

Robert Pace, WCPSS Risk Management Department – Mr. Pace addressed questions about the emergency evacuation plan for the school. He told the Council that in the case of an emergency stemming from the Shearon Harris Nuclear Plant that requires evacuation of the schools, there would be a school designated to receive evacuated students in Southeast Raleigh. At the time of an emergency, a contingency of buses and drivers would be assembled and dispatched to the schools, he said.

He added that the plan calls for the high school to be dismissed first. Once that traffic is cleared, the middle and elementary schools would be evacuated with buses.

He said the school system tests with schools in this evacuation zone with training by Wake County Emergency Management.

He added that Progress Energy has advised the school system that emergencies at the nuclear plant would be slow-developing, and communications would be coordinated to include the schools and giving them time to respond appropriately.

He provided school population figures, the number of buses and from where those buses would be dispatched.

Councilman DeBenedetto asked about other types of emergencies.

Mr. Pace said there are different plans in place to address different scenarios. He said the only scenario he could imagine that would require the complete evacuation of all three schools would be a nuclear plant event or a transportation-type of event with a chemical or hazardous material.

Councilman Sack asked how the evacuation buses would be dispatched to Holly Springs if an evacuation would mandate that highways would be converted to one-way leading out of the area.

Mr. Pace said not all roadways would be one-way, although some would be. The school system would coordinate with Holly Springs Police Department and Wake County Emergency Management to get the buses cleared through, he added.

Councilman VanFossen asked if there was anything the school system could do to urge North Carolina Department of Transportation to prioritize the widening of Avent Ferry Road to facilitate evacuation of the schools. Mr. Pace said he thought the school system could assist in that effort.

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

**Action #1:** The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for Special Exception Use Petition #07-SEU-11 for Holly Grove Middle School as submitted by Skinner Lamm and Highsmith architects and McNeely Associates PA, entitled Holly Springs Middle School, dated revised 1/7/2008.

A special exception use may only be granted upon the presentation of sufficient evidence to enable a written determination that:

- a. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
- b. The proposed use will not injure or adversely affect the adjacent area;
- c. The proposed use will be consistent with the character of the district, land uses authorized therein, and the Town of Holly Springs Comprehensive Plan;
- d. The proposed use shall conform to all development standards of the applicable district (unless a waiver of such development standards is



requested as part of the special exception use petition and approved as set forth above, in which case the proposed use shall conform to the terms and conditions of such waiver).

- e. Access drives or driveways are or will be sufficient in size and properly located to: ensure automotive and pedestrian safety and convenience, traffic flow as set forth in Section 7.09 – Pedestrian Circulation and Vehicular Area Design; and, control and access in case of fire or other emergency;
- f. Off-street parking areas, off-street loading areas, trash enclosures, trash pick-up and removal, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties and properties in the general neighborhood;
- g. The lot, building or structure proposed for the use has adequate restroom facilities, cooking facilities, safety equipment (smoke alarms, floatation devices, etc.), or any other service or equipment necessary to provide for the needs of those persons whom may work at, visit or own property nearby to the proposed use;
- h. Utilities, schools, fire, police and other necessary public and private facilities and services will be adequate to handle the needs of the proposed use;
- i. The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts; and,
- j. The type, size, and intensity of the proposed use (including but not limited to such considerations as the hours of operation and numbers of people who are likely to utilize or be attracted to the use) will not have significant adverse impacts on adjoining properties or the neighborhood.

**Motion By:** VanFossen

**Second By:** Womble

**Vote:** Unanimous.

**Action #2:** The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for a waiver of regulations of UDO Section 3.08 Architectural and Site Design Requirements for Commercial/Mixed-Use Districts for Special Exception Use Petition #07-SEU-11 for Holly Springs Middle School, be granted to allow the building facades to be constructed with less than 60% masonry, as submitted by Skinner Lamm and Highsmith architects and McNeely Associates PA, entitled Holly Springs Middle School, dated revised 1/7/2008:

- 1. The proposed development represents the use of (*building materials*, colors, textures, *building* architecture, roof features, façade modulation, *building* orientation, *signs*, landscaping, lighting or *open space*) which will result in a development pattern which is equivalent to or superior to that achievable under the applicable regulations;
- 2. The proposed development will be compatible with and will enhance the *use* or value of area properties;
- 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.

**Motion By:** VanFossen

**Second By:** Womble

**Vote:** Unanimous.

**Action #3:** Having made findings of fact that the petition meets the requirements to be granted a waiver of regulations of UDO Section 3.08 Architectural and Site Design Requirements for Commercial/Mixed-Use Districts for Special Exception Use Petition #07-SEU-11 for Holly Springs Middle School, the Council approved a motion to approve a waiver to allow the building facades to be constructed with less than 60% masonry as submitted by Skinner Lamm and Highsmith architects and McNeely Associates PA, entitled Holly Springs Middle School, dated Revised 1/7/2008.

**Motion By:** VanFossen

**Second By:** Dickson

**Vote:** Unanimous.

**Action #4:** The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for a variance of development standards of UDO Section 2.01, B., 7., a., Maximum Building Height to allow for a 59-foot, 4-inch maximum building height in association with Special Exception Use Petition #07-SEU-11 for Holly Springs Middle School as submitted by Skinner Lamm and Highsmith Architects and McNeely Associates PA, entitled Holly Springs Middle School, dated Revised 1/7/2008.

- 1. There are practical difficulties or unnecessary hardships that would result from carrying out the strict letter of the UDO. The Board may reach this conclusion if it finds each of the following:
  - a. Based on the size, shape, topography, location, or surroundings, the applicant is prohibited from enjoying the same privileges as other properties in the vicinity and zoning classification in which the property is situated when the UDO is strictly applied
  - b. The hardship of which the applicant complains results from unique circumstances related to the applicant's property
  - c. The hardship results from the application of the UDO to the property;
  - d. The hardship is not the result of the applicant's own actions; and,
  - e. The variance if granted must be the absolute minimum needed in order to correct the hardship. The variance is in harmony with the general purpose and intent of the UDO and preserves its spirit.
- 2. Granting the variance assures the public safety and welfare and does substantial justice



2. Granting the variance assures the public safety and welfare and does substantial justice.

**Motion By:** VanFossen

**Second By:** Womble

**Vote:** Unanimous.

**Action #5:** Having made findings of fact that the project meets the requirements to be granted a variance of development standards, the Council approved a motion to approve a variance requested by Skinner Lamm and Highsmith Architects and McNeely Associates PA to allow for a maximum building height of 59 feet, four inches for Holly Springs Middle School.

**Motion By:** VanFossen

**Second By:** Dickson

**Vote:** Unanimous.

**Action #6:** The Council approved a motion to allow an average maintained value of 50 foot-candles to be provided for the Holly Springs Middle School softball infield; 30 foot-candles for the softball outfield; and 30 foot-candles for the football field/track with the following condition:

1. A lighting plan must be submitted to and approved by the Department of Planning and Zoning prior to installation.

**Motion By:** VanFossen

**Second By:** Womble

**Vote:** Unanimous.

**Action #7:** Having made findings of fact that the project meets the requirements to be granted a Special Exception Use, the Council approved a motion to approve Special Exception Use Petition #07-SEU-11 for Holly Springs Middle School as submitted by Skinner Lamm and Highsmith Architects and McNeely Associates PA, entitled Holly Springs Middle School, dated Revised 1/7/2008 with the following conditions:

1. A fee-in-lieu of pump station upgrade will be required for this project for the Autumn Park Pump Station.
2. A Traffic Impact Analysis was required for this project. The following requirements are conditions of approval for that report and should be met by the specified time. From the review of this project:
  - a. A meeting to discuss the overall pedestrian traffic for the School Campus, in particular the access to the Autumn Park Subdivision, pedestrian traffic during construction of the middle school, and post construction. This meeting must be held within 30 days of Town Council approval of this project.
  - b. Prior to construction drawing approval, an additional meeting must be scheduled to discuss the detailed traffic operation on a daily basis for the 3 school campus. This meeting shall include all the three principles representing the three different schools as well as any other Wake County Public School System (WCPSS) staff that has involvement with traffic operations on WCPSS sites.
3. With 1<sup>st</sup> construction drawing submittal the following items must be addressed:
  - a. Drainage easements on all pipes, channels and drainageways.
  - b. Show 20' maintenance/drainage easement surrounding the pond and dam.
4. Prior to issuance of Building Permit, the following must be completed:
  - a. Revise lighting plan along the eastern property line to comply with the Town of Holly Springs UDO.
  - b. Revise landscape plan to show a C-150 perimeter landscape yard along the eastern property line for the portion adjacent to the school building and track and field.

**Motion By:** VanFossen

**Second By:** Womble

**Vote:** Unanimous.

*A copy of Special Exception Use application 07-SEU-11 entered into the record by the applicant and addressing the findings of facts is incorporated into these minutes as addendum pages.*

**8. Consent Agenda:** The Council approved a motion to approve all items on the Consent Agenda. The motion carried following a motion by Councilman Womble, a second by Councilman VanFossen and a unanimous vote. The following actions were affected:

8a. Minutes – The Council approved minutes of the Council's regular meeting held Dec. 18, 2008

8b. Embargo, 07-SEU-04 Expiration Date Extension – The Council extended the expiration date of Special Exception Use 06-SEU-04 for Embargo.

8c. Resolution 08-07 – The Council adopted Resolution 08-07 approving and enacting Development Procedures Manual Amendment 08-DPM-01: Section 2, Comprehensive Plan Amendment Update. *A copy of Resolution 08-07 is incorporated into these minutes as addendum pages.*

8d. Budget Amendment – The Council adopted an amendment to the FY 2007-08 budget in the amount of \$7,000 to provide needed additional funds for the town calendar project. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

8e. Budget Amendment – The Council adopted an amendment to the FY 2007-08 budget in the amount of \$8,100 to cover drug enforcement costs. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

8f. Budget Amendment – The Council adopted an amendment to the FY 2007-08 budget in the amount of \$61,000 to provide needed additional funds for chemicals and overtime salaries at the wastewater treatment plant. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

8g. Consultant Selection Policy Statement P-017.1 Amendment – The Council adopted an amendment to the Town of Holly Springs Consultant



Selection Policy Statement P-017.1. *A copy of Consultant Selection Policy Statement P-017.1 is incorporated into these minutes as addendum pages.*

**8h. Interlocal Building Inspections Agreement** – The Council entered an agreement with the Town of Lillington for the provision of building inspection services. *A copy of the Town of Lillington Interlocal Building Inspection agreement is incorporated into these minutes as addendum pages.*

**8i. Water Loss Audit Contract and Budget Amendment** – The Council entered into a contract with Cavanaugh in the amount of \$20,000 for a water loss audit and adopted a budget amendment to cover the cost of the work. *A copy of Cavanaugh contract and associated budget amendment are incorporated into these minutes as an addendum pages.*

**8j. Holly Springs Business Park Covenants** – The Council directed the town manager to sign on behalf of the Town its agreement to restrictive covenants in the Holly Springs Business Park related to an undevelopable tract of land the Town owns in the business park.

**8k. Hunt Center Roof Repair** – The Council entered into a contract in the amount of \$45,600 with Diamond Construction Co. for roof repair at the W.E. Hunt Community Center. *A copy of the Diamond Construction Co. proposal is incorporated into these minutes as addendum pages.*

**8l. Budget amendment, rain barrels** – The Council adopted an amendment to the FY 2007-08 budget in the amount of \$15,075 for the rain barrel program. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

**9a. Taco Bell/Kentucky Fried Chicken, 07-DP-25** – Ms. Huffman said the applicant is proposing a Kentucky Fried Chicken/Taco Bell combination restaurant to serve the residents of Holly Springs. The restaurant being proposed would be located directly south of the McDonald's site on Lot 4 (an out-lot) of the Shoppes at Holly Springs integrated center.

She said the applicant is asking for a waiver of architectural standards for the primary structure and the trash enclosure. The intent of the waiver is for the architecture being proposed to be of a higher quality than the Unified Development Ordinance requires. The applicant is proposing 20.51% on the north elevation; 17.48% on the south elevation, and 30.80% on the east elevation, instead of meeting the 60% masonry on three façades of the elevations stated in the UDO.

Ms. Huffman said the west elevation of the structure is not required to provide masonry material; however, the applicant is providing 19.05% on the west elevation (front of the building, or the side that faces the interior access drive.)

**Michael Palmer, owner** – Mr. Palmer addressed the Council regarding the architectural features of the building and why he is requesting a waiver of regulations to allow less than 60% masonry. He showed examples of other existing businesses in the Shoppes at Holly Springs. He said his building's design was created with the thought of using unifying elements to tie the several building materials of the Shoppes together. He said the 60% use of stone would create a disproportionate amount of stonework.

He said he feels his use of stone on a "human scale" was more appealing.

**Action #1:** The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for a waiver of regulations of UDO Section 3.08 Architectural and Site Design Requirements for Commercial/Mixed-Use Districts for Petition # 07-DP-25 for KFC/Taco Bell to allow the building facades to be constructed with less than 60% masonry as submitted by Mark Magrath, Project Number: 0007-0002 Taco Bell/KFC, date revised 02/11/2008.

1. The proposed development represents the use of (*building materials*, colors, textures, *building* architecture, roof features, façade modulation, *building* orientation, *signs*, landscaping, lighting or *open space*) which will result in a development pattern which is equivalent to or superior to that achievable under the applicable regulations;

2. The proposed development will be compatible with and will enhance the use or value of area properties;

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.

**Motion By:** Sack

**Second By:** DeBenedetto

**Vote:** Unanimous.

**Action:** The Council approved a motion to approve a waiver of regulations of UDO Section 3.08 Architectural and Site Design Waiver for Petition # 07-DP-25 for KFC/Taco Bell to allow for less than 60% masonry material on three building façade elevations (north, south and east) as submitted by Mark Magrath, Project Number: 0007-0002 Taco Bell/KFC, date revised 02/11/2008.

**Motion By:** Sack

**Second By:** VanFossen

**Vote:** Unanimous

**Action #2:** The Council approved a motion to approve Development Plan #07-DP-25 for KFC/Taco Bell as submitted by Venture Engineering, Project Number 0007-0002 Taco Bell/KFC, date revised 02/11/2008 with the following conditions:

1. All previously conditions of approval for the Shoppes at Holly Springs shall apply to this out lot.

2. Fee-in-lieu of pump station upgrade will be required.

3. Irrigation meter will need to be located inside a public easement with dimensions shown. This will need to be provided with 1<sup>st</sup> construction drawing submittal.

4. Prior to issuance of building permit a lighting plan will need to be submitted to and approved by the Department of Planning & Zoning.

**Motion By:** Sack

**Second By:** Dickson



**Second By:** Dickson

**Vote:** Unanimous

**9b. Eagles #6, 08-DP-01** – Mr. Zawadski said the proposed development plan is for the construction of a gasoline station and convenience store on a 1.42-acre out-lot located within the Shoppes at Holly Springs commercial development. The site plan includes a 3,552-square-foot convenience store and single-bay carwash (space is set aside for a future second carwash to be built adjacent to the first, which would require a preliminary plan amendment.)

He said a total of seven gas pumps are proposed to be located under two canopies along the western and southern side of the building. A total of 18 parking spaces, including one handicapped space, are proposed throughout the site. A decorative pedestrian crossing is provided to connect the site with the pedestrian circulation plan for the rest of the shopping center.

Mr. Zawadski said the project is located within a Gateway Corridor and is therefore subject to a higher degree of architectural standards. This project also is located within the Shoppes at Holly Springs integrated center and is required to use the similar colors and building materials as the primary building in the development. The convenience store and carwash are proposed to be constructed primarily with a light and dark brown colored brick, brown EIFS, and stone columns that match the Wal-Mart building elevations.

He said a waiver has been requested to allow the building facades to be less than 60% masonry as required by the UDO. The proposed building includes an average of 52% masonry on all four building facades.

Mr. Zawadski explained that the architectural elements such as multiple building materials, columns, metal awnings, decorative light fixtures, and façade and roofline variations are incorporated into the building design.

He said the pump island canopies are proposed to be constructed with the same brick as the building and a black standing seam metal roof. The applicant also has submitted a request to include a single red LED light band around the perimeter of the canopies. The UDO allows only luminous tube lighting if it is requested and approved as an integral architectural element of a development plan.

Bob Brantley, general contractor – Mr. Brantley said he was available to answer questions.

Councilman Sack asked if the car wash would use recycled water.

Mr. Brantley said yes.

Ray Watson, civil engineer – Mr. Watson said he was available to answer questions.

**Action #1:** The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for a waiver of regulations of UDO Section 3.08 Architectural and Site Design Requirements for Commercial/Mixed-Use Districts for Petition #08-DP-01 for Eagles #6 to allow the building facades to be constructed with less than 60% masonry as submitted by Watson Land Design Services, dated Revised 2/7/2008.

1. The proposed development represents the use of (*building materials, colors, textures, building architecture, roof features, façade modulation, building orientation, signs, landscaping, lighting or open space*) which will result in a development pattern which is equivalent to or superior to that achievable under the applicable regulations;

2. The proposed development will be compatible with and will enhance the *use* or value of area properties;

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.

**Motion By:** DeBenedetto

**Second By:** VanFossen

**Vote:** Unanimous.

**Action #2:** The Council approved a motion to approve Waiver of Regulations of UDO Section 3.08 Architectural and Site Design Requirements for Commercial/Mixed-Use Districts for Petition #08-DP-01 for Eagles #6 to allow the building facades to be constructed with less than 60% masonry as submitted by Watson Land Design Services, dated revised 2/7/2008.

**Motion By:** DeBenedetto

**Second By:** Womble

**Vote:** Unanimous.

**Action #3:** The Council approved a motion to approve the use of luminous tube lighting for Development Petition #08-DP-01 for Eagles #6 as an integral architectural element as submitted by Watson Land Design Services, dated revised 2/10/2008

**Motion By:** DeBenedetto

**Second By:** Womble

In discussion, Councilman Dickson expressed a concern that the Town would be setting a precedent by allowing the luminous tube lighting. Councilman Sack said he felt the tube lighting was part of the company's branding.

Councilman VanFossen said it was an appropriate use because it would be contained in the canopy.

Councilman Dickson said he feels it would serve to separate the business from the integrated center.

**Vote:** The motion carried following 4-1 vote. Councilmen DeBenedetto, Womble, VanFossen and Sack voted for the motion. Councilman Dickson voted against..

**Action #4:** The Council approved a motion to approve Development Plan Petition #08-DP-01 for Eagles #6 as submitted by Watson Land



Design Services, dated revised 2/10/2008 with the following conditions:

1. All previously conditions of approval for the Shoppes at Holly Springs shall apply to this out parcel.
2. A fee-in-lieu of pump station upgrade will be required for this project.
3. With 1<sup>st</sup> construction drawing submittal the following items must be addressed:
  - a. Cross access easement for the stub to the adjacent out parcel will be required.
4. Prior to issuance of Building Permit, the following must be completed:
  - a. Revise perimeter landscaping quadrant PY-3 to provide a minimum of 20 PUV.
  - b. Revise location of 'knock-out roses' to match Shoppes of Holly Springs Outlot #3.
  - c. Revise plans to show a total of two handicapped parking spaces in front of the building.
5. Prior to issuance of Building Permit for the second car wash bay, a Development Plan amendment must be submitted and approved.

**Motion By:** DeBenedetto

**Second By:** Womble

**Vote:** Unanimous.

**10. Other Business:** Councilman Womble said dirt has washed onto the pavement on Brooks Street, and grass is growing in the dirt, deteriorating the pavement.

Mrs. Sudano said it sounds like it is either an erosion control problem or a road maintenance issue. Either engineering or public works will look into it.

He asked about sidewalks on Main Street and the status of Center Street.

Mrs. Sudano said the project is in the right of way acquisition stage. Mrs. Sudano explained that the one way design of Center Street is included in the Main Street Enhancement Project, the plans for which are under NCDOT review at this time. Bids for both projects are expected to be let in the next 30 to 60 days.

Councilman Dickson reported that he had suggested to Wake Board of Education Chairman Rosa Gill that a topic of discussion during an upcoming meeting with the school board should be the election process of the Board of Education (urging at-large representation.) He said Ms. Gill said she did not think that would be appropriate. Still, Councilman Dickson said, he is hopeful the meeting will be productive.

**11. Manager's Report:** None

**12. Closed Session:** The Council approved a motion to enter into Closed Session, pursuant to G.S. 143-318.11(a)(3) to discuss potential litigation regarding the construction of Green Oaks Parkway and to recuse Councilman VanFossen and Mayor Sears from this portion of the meeting since both have contractual relationships with the developer who contracted the work.

**Motion By:** Sack

**Second By:** DeBenedetto

**Vote:** Unanimous

#### **General Account of Closed Session – March 4, 2008**

In Closed Session, the Town Council heard a report from the Town Attorney on construction deficits on Green Oaks Parkway and provided direction to the Town Attorney as to how to proceed. No action was taken, and the Council returned to Open Session.

**-- End General Account**

**13. Adjournment:** There being no further business for the evening, the March 4, 2008 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, May 6, 2008.

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Joni Powell, CMC, Town Clerk

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