

Holly Springs Town Council Minutes

Regular Meeting Nov. 4, 2008

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, November 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 7:00 p.m. A quorum was established as the mayor and all five council members were present as the meeting opened.

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

Council Members Absent: None.

Staff Members Present: Carl Dean, town manager; Chuck Simmons, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Linda Harper, deputy town clerk; Mark Zawadski, planner I; Daniel Weeks, project analyst; Jenny Mizelle, director of economic development; Erika Phillips, human resources director; Amy Moore, director of water quality; Stephanie Sudano, director of engineering; Kendra Parrish, senior engineer; Gina Clapp, director of planning and zoning; Elizabeth Goodson, development review engineer; Len Bradley, parks and recreation director; Eric Tayler, IT manager; Drew Holland, finance director; and Mark Andrews, public information officer.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by David and Tiffany Pinson.

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

Motion By: Sack

Second By: Dickson

Vote: Unanimous

Items Added to the Agenda: None.

Items Removed from the Agenda: None.

Consent Agenda Items Moved to New Business: Item 6d., Green Oaks Parkway change order No. 4.

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: None.

6. Consent Agenda: The Council approved all items on the Consent Agenda following a motion by Councilman Dickson, a second by Councilman Sack and a unanimous vote. The following actions were affected:

6a. Budget Amendment, \$100 - The Council adopted an amendment to the FY 2008-09 budget in the amount of \$100 to accept a donation for the Cultural Center Business Expo. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

6b. Resolution 08-50 – The Council adopted Resolution 08-50 declaring certain property surplus to the needs of the Town. *A copy of Resolution 08-50 is incorporated into these minutes as addendum pages.*

6c. Wastewater Treatment Plant Expansion Contract Change Order – The Council approved a contract change order, within contingency, in the Wastewater Treatment Plant Expansion project. *A copy of the contract change order is incorporated into these minutes as addendum pages.*

6d. Green Oaks Parkway Project Change Order - The Council removed this agenda item from the Consent Agenda during agenda adjustment.

6e. Job Reclassification – The Council approved the reclassification of the recreation program specialist and utility operations supervisor positions.

6d. Green Oaks Parkway Project Change Order - Councilman DeBenedetto had asked that this item be removed from the Consent Agenda for discussion. Information provided in agenda packets explained that this is the final change order for the two-lane portion of Green Oaks Parkway and is in the amount of approximately \$24,000. The change order would fall within the project contingency, packet information stated.

Staff requested a motion to approve change order 4 with Fowler Contracting so punchlist items could be completed and the project could be closed out, clearing the way for the Town to begin work on the four-lane portion of Green Oaks Parkway.

The engineering department later in the week provided an itemized list of the items that were covered in the change order.

Councilman DeBenedetto said he was interested in knowing about the details of the change order. He asked if any part of the work contained in change order 4 pertained to the construction company's violation of environmental rules cited by the Army Corps of Engineers.

Mr. Dean said no.

Action: The Council approved a motion to approve contract change order 4 in the amount of approximately \$24,000, which is within the

project contingency, for the Green Oaks Parkway project.

Motion By: Sack

Second By: Dickson

Vote: Unanimous.

A copy of the contract change order is incorporated into these minutes as addendum pages.

7a. Hunt Center Architectural Design Contract – In introduction, Mr. Schifano explained that the architect's proposal was enclosed in agenda packets. He said the proposal, however, should not be considered as the Council selects the architect. The proposal itself will be considered at a later date. At this time, General Statute requires that the Council consider experience and qualifications, without regard to cost, in selecting the architect.

Mr. Bradley said staff initiated the renovation of the W.E. Hunt Community Center by mailing requests for proposals to the following consultants: Heery International; Insight Architects; Weeks Turner Architecture; Little Diversified Architectural; Kling Stubbins; Stewart Engineering and The Obsidian Group.

He said the Town received proposals from Heery International; Insight Architects; Little Diversified Architectural; and Kling Stubbins.

He said each consulting firm was discussed and evaluated based on their qualifications and renovation design experience.

Mr. Bradley said that staff made a decision to interview the two (2) firms which presented the most experience and qualifications. He said interviews were conducted with Insight Architects and Kling Stubbins. Based on these interviews the decision was made to recommend the firm Kling Stubbins of Raleigh, he added.

Mr. Bradley said that staff requests that the Town Council select Kling Stubbins, subject to successful negotiations of staff regarding a contract price.

Councilman DeBenedetto asked for clarification if the Council was selecting a firm without making a commitment.

Mr. Schifano said he is asking the Council to select the architect without regard to any information contained in the proposal. He said staff would negotiate a contract, schedule and funding with the company in preparation of bringing a contract to the Council at the Nov. 18 meeting.

Councilman Sack asked Mr. Bradley what types of things made staff recommend Kling Stubbins.

Mr. Bradley said the civil engineering group associated with the firm was familiar to him; the firm's experience in related projects; he was impressed with their presentation.

Councilman Sack asked if Mr. Bradley had seen any other projects designed by the firm.

Mr. Bradley said he had not

Action: The Council approved a motion to approve Kling Stubbins of Raleigh as the selected architectural firm for the Hunt Center renovation project, subject to successful contract negotiations by staff.

Motion By: Sack

Second By: VanFossen

Vote: Unanimous.

7b. New Hill Place, 08-MAS-01-A01 Amendment – Mayor Sears reported that a principal of the New Hill Place project had emailed previous to the meeting and asked that this item be tabled until Nov. 18. He asked for a motion to that effect.

Action: The Council approved a motion to defer action on 08-MAS-01-A01 for New Hill Place until Nov. 18.

Motion By: Womble

Second By: Sack

Vote: Unanimous.

7c. Main Street Square Element J Amendment, 08-MAS-05-A01 – Mr. Zawadski said the Town has received a request for a development plan amendment to the Main Street Square Element J development plan. The plan originally was approved by the Town Council on Oct. 7 with the following conditions:

1. All previous conditions of Main Street Square PUD shall apply.
2. Prior to issuance of Building Permit, the following must be completed:
 - a. A lighting plan must be submitted to and approved by the Department of Planning & Zoning.
 - b. The copper colored roof shall be changed to a color that will be consistent with the architectural design palette of the building and adjacent developments.
3. Fee in lieu of pump station upgrades will be required for this project.
4. A sign permit is required prior to signage installation.

Mr. Zawadski said that condition 2b was added by the Planning Board at its Sept. 23 meeting.

The applicant is requesting that the condition be removed.

Mr. Zawadski said staff believes the roof color was not selected to be a less expensive alternative to copper. Instead, it was selected because the color was the best match to the color palette of the building; therefore, staff supports this request and agrees that the original roof color is the best choice for the building.

Mr. Zawadski introduced the applicant, who provided samples of the penny-copper material that would be used, describing it as a heavy-gauge material colored copper but that would not patina over time and would remain copper colored.

Action: The Council approved a motion to approve Development Plan #08-DP-05-A01 for Main Street Square Element J as submitted by Stewart Engineering, project number C8047, dated revised 8/25/2008 with the following conditions:

1. All previous conditions of Main Street Square PUD shall apply.
2. Prior to issuance of Building Permit, the following must be completed:
 - a. A lighting plan must be submitted to and approved by the Department of Planning & Zoning.
3. Fee in lieu of pump station upgrades will be required for this project.
4. A sign permit is required prior to signage installation. (CHECK SLIDE IS DIFFERENT)

Motion By: DeBenedetto

Second By: Womble

Vote: Unanimous.

7d. BB&T Bank, 08-DP-07 – Mr. Zawadski said the Town has received a request for a development plan for outparcel #4 located within the Southpark Village integrated center. The property is 1.24 acres and is located adjacent to G.B. Alford Highway. The proposed development plan is for the construction of a 3,999 square foot BB&T Bank.

He said the plan proposes a total of 23 parking spaces located throughout the site. Pedestrian connections are provided through the parking lot to connect the front entrance of the building to the sidewalk along Village Walk Drive. The site also includes 5 drive-through lanes located on the eastern side of the building.

Since this project is located in the Southpark Village integrated center, the building is subject to the Southpark Village Design Guidelines in addition to the UDO. The building is proposed to be constructed primarily of two shades of brown colored brick along with light brown EIFS and cast stone accents. Various architectural elements such as façade and roofline modulation, brick columns, multiple brick patterns, and decorative cornices are proposed for the building.

Mr. Zawadski reported that the Planning Board had reviewed the plan and recommended approval with conditions.

Councilman Sack said he had no problems with the planning board recommendation to add specifics in Condition No. 4. He said he agreed those provisions would probably make the building look better.

Action: The Council approved a motion to approve Development Plan #08-DP-07 for BB&T Bank as submitted by Commercial Site Design, project number BBT-0714, dated revised 10/8/2008 with the following conditions:

1. Conform to previously approved South Park Master Plan and note that all previous approval conditions for that plan will apply to this plan as well.
2. A fee-in-lieu of upgrade will be required for this project for the Somerset Farms Pump Station and related downstream Force Main
3. With 1st Construction Drawing submittal, private drainage easements shall be provided on all pipes, channels, and drainage ways.
4. Prior to issuance of Building Permit:
 - a. Revised architectural elevations shall be submitted to and approved by the Department of Planning & Zoning with the following modifications
 - i. A detail shall be added to the drive-through canopy to break-up the long roofline.
 - ii. The backside of the parapet on the front elevations shall be finished with the same material and color provided on the end of the drive-through canopy.

Motion By: Sack

Second By: DeBenedetto

Vote: Unanimous.

7e. Fidelity Bank, 08-DP-08 – Mr. Zawadski said the Town has received a request for a development plan for 2.07 acres located at the intersection of G.B. Alford Highway and Ralph Stephens Road. The proposed development plan is for the construction of a 4,379 square foot Fidelity Bank.

He explained the plan proposes a total of 23 parking spaces located throughout the site. Pedestrian connections are provided through the parking lot to connect the front entrance of the building to the sidewalk along Ralph Stephens Road. The site also includes three drive-through lanes located on the eastern side of the building and one free-standing drive-up ATM.

He said the building is designed with classic 19th century design features and is proposed to be constructed with red colored brick and white EIFS. Other architectural elements include a slate mansard roof, decorative brick patterns, and double brick chimneys.

Until recently, this property was included in the Southpark Village Master Plan and therefore would have been subject to the Architectural Design Guidelines for the development. However, the developer of Southpark Village submitted an amendment to remove this property from the Master Plan in order to bypass those requirements. This project also is not subject to the new commercial architectural requirements since it was submitted prior to their adoption.

The proposed use and site plan are in compliance with the current ordinances and policies of the Town of Holly Springs, but staff has determined the proposed historic style of the building is not. The property is not included in either Southpark Village or Shoppes at Holly Springs and therefore not required to use matching colors and materials, but the project is still subject to the Town's UDO and Vision Holly Springs Comprehensive Plan. According to the Town of Holly Springs UDO §3.08,B.,1.,d.,(3): "Single Use Sites – All buildings located on a single use site shall utilize selected design and appearance elements which are in harmony with area developments and other recent developments within the Town of Holly Springs and its extraterritorial jurisdiction."

He said the design and appearance elements found in the UDO at the time of plan submittal include the following: primary building materials, secondary building materials, colors, textures, architecture, roof treatment, and façade modulation.

The proposed historical architecture of Fidelity Bank is not consistent with the primarily traditional retail appearance of the closest and most recent developments to this site: Shoppes at Holly Springs, Southpark Village, and Main Street Square. These projects are designed primarily with flat roofs with cornices and traditional glass storefronts, not with mansard roofs, chimneys, and Grecian columns. Also, the design is not in compliance with the Comprehensive Plan Southern Gateway Plan which emphasizes an urban village design style for this area of Town. Therefore, Staff is not in support of the project since it does not meet the architectural requirements of the Town of Holly Springs.

Mayor Sears asked a member of the planning board to report.

Joe Signoretti addressed the Council saying that the planning board had voted against the site plan because some members did not feel the elevations were in keeping with the area in which the site is located. He said some members felt the residential style of the building, the tall chimneys and the metal roof featured were not in keeping with neighboring development design.

Glenn Myrto addressed the Council with the dissenting group of the planning board. He said the actual photographs of existing buildings of the same design show that the residential style is subtle. He added that the applicant tried to meet all requirements, and everyone on the planning board appreciated the fact that the drive-through lanes were in the rear of the building.

Councilman Sack asked if the planning board had any specific problems with the site plan itself.

Mr. Myrto said no, the planning board was pleased with the actual site plan.

Peter Bishop, 3001 Weston Parkway – Mr. Bishop, representing the applicant, addressed the Council saying that he was pleased that the planning board approved of the site plan. He said he wanted to point out that the site is a stand-alone site.

Rox Cox, 2003 Parkers Ct., Raleigh – Mr. Cox is the architect for the project. He said Fidelity Bank is interested in working with staff to the extent that the bank can maintain its branding. He said brick, metal and stucco are being used on nearby buildings and should help to make the building compatible with them. He stressed that the site is stand-alone. He said Fidelity Bank would consider changing the color of the brick and would consider making the entire roof copper.

Mr. Cox explained that this building is to be a signature facility for The Fidelity Bank, and it is important to the company that it is able to maintain its identity. He said the firm is willing to shorten the tall chimneys and change the material of the drive-through posts.

Mr. Cox then showed photographs of The Fidelity Bank in Sanford, which has a similar building design.

During discussion, Councilmen discussed the architectural details of the proposed building.

Councilman Dickson said he felt that the design was fitting for that site.

Action: The Council approved a motion to approve Development Plan #08-DP-08 for Fidelity Bank as submitted by Kimley-Horn, project number 011586011, dated revised 9/26/2008 with the following conditions:

1. A fee-in-lieu of upgrade will be required for this project for the Pump Station
2. Please note that this project will be required to meet NPDES Phase II requirements.
3. The following items are to be included with construction drawings (later in the approval process):
 - a. There are existing downstream drainage complaints in this area. Accordingly, a flood study will be required to meet the Town's policy for Hydrologic Basin Models (Town Policy - P-018)
 - b. This project is located in an area that is subject to the Town's policy for Hydrologic Basin Models (Town Policy - P-018). It is located in a basin where the Town has an approved flood study. The flood study will need to be updated to reflect this project and will need to demonstrate that development of the site will not raise established flood levels. Retention or detention may be required to accomplish this. The following is the approved flood study that this project will need to update: Somerset Basin
4. A sign permit is required for all signage prior to installation.
5. Prior to Town Council Action:
 - a. The Southpark Village Master Plan Amendment removing this lot must be completed.

Motion By: DeBenedetto

Second By: Womble

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

8. Other Business: Councilman Womble asked about the progress of extending water along Rex Road and Shadow Valley Road.

Mr. Dean reported that staff has been tracking cost estimates for both projects. Staff has completed the Shadow Valley estimate. Staff is now working with the Rex Road numbers that would be needed for extending more than 7,000 feet (nearly a mile.)

Shadow Valley, Mr. Dean said, should be no problem since the town's public works department could likely extend the line down that road, and the existing water main is not very far away. Rex Road, he cautioned, would take more time and more money, and there are many details that need to be addressed.

Councilman Sack asked if the area of Rex Road would fall within five road miles of a fire station so that the town does not find itself in a situation of having to build a new fire station.

Staff estimates Rex Road to be about four miles away from the fire station on Avent Ferry Road.

Councilman Dickson asked what good would extending the water to Rex Road would do.

Mr. Dean said it would open that area up for growth and would be a good investment since the town's growth corridor is in that direction.

Councilman DeBenedetto reported on the Sunset Lake Village homeowners association meeting at which the town's stormwater program was a topic. He complimented staff on the program.

Councilman DeBenedetto said he has been approached by employees who expressed concern about the anonymity of the employee opinion survey. Councilman DeBenedetto said he assured the employees that the survey was confidential and that there could be no retribution for responses.

Councilman DeBenedetto had more questions about the Green Oaks Parkway project.

Frustration was expressed by Council members.

Councilman Dickson suggested a Green Oaks Parkway workshop be scheduled, open to anyone who has any questions about the project. He said all questions and all information could be shared at one time with everyone with questions.

Councilman Sack pointed out that there seems to be only one person asking questions.

9. Manager 's Report: Mr. Dean reminded the Council of the dedication of Veterans Park at 4 p.m. Sunday. He asked the Council to meet in special session at 6 p.m. Tuesday, Nov. 18 to talk about the Hunt Center renovations.

He said the State Employees Credit Union is scheduled to open Nov. 10; he congratulated the parks and recreation department on HollyFest; and he introduced Aaron Levitz of the engineering department.

10. Closed Session: None.

11. Adjournment: There being no further business for the evening, the November 4, 2008, meeting of the Holly Springs Town Council was adjourned following a motion by Councilman VanFosson a second by Councilman Womble and a unanimous vote.

Respectfully Submitted on Tuesday, Jan. 6, 2009.

Joni Powell, CMC, Town Clerk

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