



October 18, 2011



## MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Oct. 18, 2011 in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Sears presided, calling the meeting to order at 7 p.m. A quorum was established as the mayor and all five council members were present as the meeting opened.

**Council Members Present:** Mayor Sears and Councilmen Jimmy Cobb, Chet VanFossen, Parrish Womble and Tim Sack and Councilwoman Linda Hunt Williams.

**Council Members Absent:** None.

**Staff Members Present:** Carl Dean, town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Linda Harper, deputy town clerk; Len Bradley, director of parks and recreation; Elizabeth Goodson, development review engineer; Stephanie Sudano, director of engineering; Gina Clapp, director of planning and zoning; Mark Zawadski, planner I; Laura Powell, planning I; John Herring, police chief; Kendra Parrish, senior engineer; Jeff Wilson, information technology director; Niki Litts, communications specialist and several members of the police department.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rabbi Ederly, pastor of Temple Beth Shalom.

**4. Agenda Adjustment:** The Oct. 18, 2011 meeting agenda was adopted with changes, if any, as listed below.

**Motion By:** Sack

**Second By:** Womble

**Vote:** Unanimous

**Items added to Agenda:** None.

**Items removed from Consent Agenda:** None.

**Items removed from the agenda:** 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: None.

**6a. Pancreatic Cancer Awareness Month** – Mayor Sears is advising residents that November is Pancreatic Cancer Awareness Month, and he has issued a proclamation to this effect.

Pancreatic cancer is the fourth leading cause of cancer deaths in the United States. An estimated 44,000 people will be diagnosed this year in the U.S. and about 37,600 will die from it. When the symptoms present themselves, it's usually too late for a positive diagnosis. There is no cure, and there has been no significant improvement in survival rates during the last 40 years.

Even so, pancreatic cancer does have its survivors. Mayor Sears said he would like to increase awareness of this illness and also celebrate with those who have survived this most deadly disease.

Janette Wilson is a volunteer who accepted the proclamation on behalf of the North Carolina division of the Pancreatic Cancer Action Network.

Residents can learn more about this disease and read survival stories at the network's Web site, [www.pancan.org](http://www.pancan.org).

**Action:** None.

**6b. Police Officer Life-Saving Award** – Chief Herring said on July 31, 2011 Officers Dustin Lee and Travis Collins responded to 401 Bass Lake Road in reference to a woman's having a cardiac event. As the first emergency personnel on the scene, they immediately began CPR until relieved by EMS and Fire personnel. As a

direct result of their efforts, the patient survived this event. For this reason the Police Department is awarding both officers the Lifesaving Award.

**Action:** None.

**6c. 2010 Census Media Award** – Ms. Clapp said the final results of the 2010 Census have been published regarding population, age, race, and family/household statistics. Ms. Clapp provided an overview of the final results of the 2010 Census and how the population, family, and race make-up of Holly Springs has evolved over the past 20 years.

Ms. Clapp also presented to Ms. Nancy Catrine, editor of the Holly Springs Sun the 2011 North Carolina American Planning Association Marvin Collins Media Award that was awarded to the Town and The Holly Springs Sun Oct. 6 at the annual planning conference in Charlotte, for efforts in assisting the Town of Holly Springs in educating residents about the importance of the Census and encouraging them to complete the Census.

**Action:** None.

**7a. 03-SEU-04-A01 Special Exception Use Petition** – Mr. Zawadski said the Town has received a request for a Special Exception Use to locate a modular classroom on the existing Holly Springs High School property. The request includes a 7,835-square-foot modular building that contains eight classrooms and restroom facilities. The building is proposed to be located behind the existing high school building directly on top of the existing basketball court.

The adjacent area currently includes one six-classroom modular building and two one-classroom modular buildings that were part of the original high school plan approval. The new modular building site includes pedestrian and handicap access and foundation landscaping in compliance with UDO requirements.

Mr. Zawadski said the Planning Board had reviewed the application and recommends approval following a 7-0-1 vote. He said the Planning Board expressed concern that too much landscaping was proposed.

Councilwoman Williams asked if the basketball courts would be replaced.

Jerry Bradley, Fuquay-Varina -- Representing the applicant, Mr. Bradley explained that there are other courts at the school.

With that explanation completed, Mayor Sears opened the public hearing to accept sworn testimony. The following testimony was recorded under oath administered by the Deputy Town Clerk:

Jerry Bradley, Fuquay-Varina – Mr. Bradley spoke in favor of the application and added that it would alleviate over-crowding at the school.

Larry Deckard, 3200 Atlantic Ave., Raleigh – As architect for the project, Mr. Deckard spoke in favor of the application. He cited the need for expanded classroom space at HSHS.

Councilwoman Williams asked when a new school is built, would the mobile classrooms be removed? Mr. Deckard said the answer would depend on the needs at the time of new construction.

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

Council discussion included how modular units are designed better than in years past and are necessary.

**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 #03-SEU-04-A01 for Holly Springs High School as submitted by Ross/Deckard Architects, dated revised 8/23/2011.

Special Exception Use Findings of Fact:

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:** Sack

**Second By:** Womble

**Vote:** Unanimous

A copy of *Special Exception Use Petition 03-SEU-04-A01 addressing the findings of fact is attached to these minutes.*

**Action #2:** 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 Amendment #03-SEU-04-A01 for Holly Springs High School as submitted by Ross/Deckard Architects, dated revised 8/23/2011, with the following conditions:

- 1. All previous approval conditions for the Holly Springs High School Development Plan will apply to this amendment as well.
- 2. Since the Building Permit will not be reviewed by the Town, the development fees that are typically collected with the Building Permit will be due with the construction drawing approval.
- 3. A fee-in-lieu of upgrade will be required for this project for the Pump Station and/or Force Main.

**Motion By:** Williams

**Second By:** Sack

**Vote:** Unanimous

**7b. Rezoning Petition 11-REZ-07** - Ms. Laura Powell said the Town has received a request to rezone approximately 72.57 acres from R-15: Residential Conditional Use to R-10: Residential Conditional Use. The property is located along the south side of Avent Ferry Road and on the north side of Avent Ferry Road adjacent to the first phase of the Holly Pointe subdivision.

She said this combination of parcels was first rezoned to R-15 Conditional Use with the intention of developing Stonemont, a development options subdivision consisting of 141 lots. Since then, the property never broke ground and has since changed ownership. The new owner would like to rezone the property for the possibility of gaining additional lots and revising the current zoning.

Ms. Powell said the Planning Board had reviewed the application and voted 6-1-1 to recommend approval.

With that explanation completed, Mayor Sears opened the public hearing. The following comments were recorded:

Glenda Toppe, 4139 Gardenlake Dr., Raleigh – Representing the applicant, Ms. Toppe spoke in favor of the petition. She gave an overview of the project. She said the proposed zoning and density are in keeping with adjacent developments and the Town's comprehensive plan.

Ms. Toppe pointed out that Stonemont already is approved for Phases 1 and 2 but would have to return to the Council with future phases and if the development moves forward with developer options.

Ms. Toppe also noted that an original condition that homes in Stonemont would be no smaller than 2,000 square feet is being removed. She said that staff had pointed out that the Town is concerned with density and not so much the floor plan sizes of homes.

Glen Futrell, 263 Perfect Moment Dr., Durham – Mr. Futrell is owner of the property. He said he is sensitive to the Holly Pointe resident concerns.

Councilman VanFossen, for clarification, asked about the first two phases.

Mr. Futrell clarified that Phases 1 and 2 would be built to the R-15 zone already approved, amounting to about 80 homes. The new zoning request would give him flexibility as to the development of the remaining sections.

Nicholas Oliver, 213 Diggory Dr. -- Mr. Oliver said he concerned about the smaller home products that would be allowed because they may become rentals. That might result in a degradation of quality than an owner-

occupied neighborhood.

Lisa Meyer, Holly Springs – Ms. Meyer said a lot of her concerns are alleviated by the owner's address that the larger portion of the development would remain R-15. She said she is not as concerned about the rezoning request as she was initially.

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

Councilman VanFossen clarified that R-10 is not high-density, but medium-density. He also asked what zoning was assigned to Holly Pointe and Holly Glen, and Ms. Powell said R-10.

Councilman VanFossen said he does not have a problem with slab-on-grade construction, but he does have a problem with the mass-grading that comes along with it.

Mr. Futrell said he was interested in preserving trees as much as possible.

Councilman VanFossen asked if multiple accesses were required.

Ms. Goodson said with less than 200 units likely, one access would be adequate.

**Action #1:** The Council approved a motion to accept the following statement as true: "The requested zone map change from R-15: Residential Conditional Use to R-10: Residential Conditional Use is consistent with the Vision Holly Springs Comprehensive Plan since it has a similar density as surrounding residential land uses."

**Motion By:** Sack

**Second By:** Williams

**Vote:** Unanimous

**Action #2:** The Council approved a motion to adopt Ordinance 11-REZ-07 to change the zoning of approximately 72.57 acres of Wake County PINs 0638922891; 0638910888; 0638902709 from R-15: Residential Conditional Use to R-10: Residential Conditional Use as submitted by Glenda Toppe with the following conditions offered by the petitioner:

1. Foundations shall be raised monolithic slab, crawl space, or basement. The front elevation slab foundation shall be accented with a minimum of 1 foot either brick or stone watertable.

2. 2.5-inch caliper street trees to be provided between the curb and sidewalk in accordance with Town ordinances and policies.

3. The lot count will be limited to 200 units.

4. There will be a minimum of 15% open space.

5. Type C opaque landscaping adjacent to the following parcels: PIN 0638836031; PIN 0638836132; PIN 0638836230; PIN 0638836248; PIN 0638836346; PIN 0638836454; PIN 0638836552. The landscaping in the dimensional area will remain undisturbed to the greatest extent possible and shall be supplemented as necessary to meet a Type C landscaping standard in accordance with the Holly Springs UDO.

1. Foundations shall be raised monolithic slab, crawl space, or basement. The front elevation slab foundation shall be accented with a minimum of 1 foot either brick or stone watertable.

2. 2.5-inch caliper street trees to be provided between the curb and sidewalk in accordance with Town ordinances and policies.

3. The lot count will be limited to 200 units.

4. There will be a minimum of 15% open space.

5. Type C opaque landscaping adjacent to the following parcels: PIN 0638836031; PIN 0638836132; PIN 0638836230; PIN 0638836248; PIN 0638836346; PIN 0638836454; PIN 0638836552.

**Motion By:** Williams

**Second By:** Womble

**Vote:** The motion carried, following a 4-1 vote. Councilmen Cobb, Womble and Sack and Councilwoman Williams voted for the motion. Councilman VanFossen voted against.

*A copy of Rezoning Ordinance 11-REZ-07 is attached to these minutes.*

**8. Financial Statement for FY 2010-11** – Mr. Dean provided an overview of year-end financial information as of June 30, 2011 following the closing of all the FY 2010-11 books as the financial audit commences.

In summary, the Town's departments operated in FY 2010-11 in a manner that allowed \$466,292 unspent in the General Fund and \$86,809 unspent in the Utility Fund.

**Action:** None.

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

- 9a. Minutes – The Council approved minutes of the Council's regular meeting held Oct. 4, 2011.
- 9b. Budget Report – The Council received a monthly report of amendments to the FY 2011-12 budget approved by the town manager. *A copy of the budget amendment report is attached to these minutes.*
- 9c. Resolution 11-35 - The Council adopted Resolution 11-35 declaring equipment surplus to the needs of the Town. *A copy of Resolution 11-35 is attached to these minutes.*
- 9d. Resolution 11-36 - The Council adopted Resolution 11-36 ratifying the Town historical marker program and its criteria. *A copy of Resolution 11-36 is attached to these minutes.*
- 9e. Resolution 11-37 - The Council adopted Resolution 11-37 encouraging a safe and courteous Halloween. *A copy of Resolution 11-37 is attached to these minutes.*
- 9f. Annual Employee Holiday Lunch – The Council authorized the closing of Town Hall and other non-essential Town facilities from 11:30 a.m. to 1:30 p.m. Dec. 15 for the annual employee holiday lunch.
- 9g. Budget Amendment, \$245,000 – The Council adopted amendment to the FY 2010-11 budget in the amount of \$245,000 to move funds to the Central Services section to cover costs of facilities maintenance and utilities during the year. *A copy of the budget amendment is attached to these minutes.*

**10a. Bridgewater Subdivision Project** – Ms. Parrish said the Bridgewater Subdivision was under warranty by the developer when staff noticed asphalt and curb and gutter failure on Wellspring Drive, Cobblebrook Court, Arctic Ridge Way, Gooseberry Drive, and Millpass Drive. In addition to the failures, there also is a slope failure along Wellspring Drive and uncompleted final inch of asphalt.

In accordance with Town requirements, the developer posted a bond for these repairs and unfinished items during the infrastructure development process prior to plats' being recorded. The developer began having financial difficulties, and the Town ended up having to pull the bond and undertake the repairs, Ms. Parrish said.

Staff recently completed in-house design of the project in accordance with a sub-consulted geotechnical report.

Staff presented tabulated bids and recommended construction award to the lowest responsible bidder, Gelder and Associates, with a bid of \$95,462.

Ms. Parrish said the geotechnical engineer also recommended the Town monitor the entire slope for future settlement. Ms. Parrish said staff concurs and presented a contract for approval for the monitoring for one year with readings every two months.

A project budget, contracts and a budget amendment were presented for Council consideration, to be funded completely by the defaulted bond.

**Action #1:** The Council approved a motion to award a construction contract to Gelder and Associates in an amount not to exceed \$105,000, inclusive of contingency, for asphalt failure repair in the Bridgewater Subdivision.

**Motion By:** Sack

**Second By:** Cobb

**Vote:** Unanimous

**Action #2:** The Council approved a motion to award a contract to Geotechnologies in the amount of \$2,850 for monitoring of slope conditions in the Bridgewater Subdivision.

**Motion By:** Cobb

**Second By:** Womble

**Vote:** Unanimous

**10b. NPDES Permit Application Services Contract** – Ms. Sudano said the Town recently secured approval by the North Carolina Department of Environment and Natural Resources to submit its Environmental Assessment (EA) document into the 30-day clearing house review for public comment.

The EA is in that process, and staff anticipates approval – in the form of a Finding of No Significant Impact (FONSI) within the next month or so. As soon as a FONSI is issued, the Town may apply for an expansion of its discharge permit into Harris Lake headwaters, which has been the goal of this entire process since leaving the regional wastewater partnership over a year ago.

Ms. Sudano asked the Council to consider a proposal by CH2MHill to prepare the National Pollutant Discharge Elimination System (NPDES) application and submit on the Town's behalf. This consultant has been

instrumental in assisting the Town and its other consultants in preparing and submitting the EA through the lengthy process, she said. Ms. Sudano added that CH2MHill was selected because the firm is the most familiar with both the Town's objective and the State's needs, and has demonstrated an expertise in the processing of this type of permit that is beneficial for this project.

The work is being proposed as an addendum to previous work on this project, Ms. Sudano added.

**Action:** The Council approved a motion to retain the professional services of CH2MHill in the amount of \$12,150 to prepare the National Pollutant Discharge Elimination System (NPDES) application and submit on the Town's behalf and to adopt related budget amendments in the amount of \$12,150.

**Motion By:** Sack

**Second By:** Womble

**Vote:** Unanimous

*Copies of the budget amendments are attached to these minutes.*

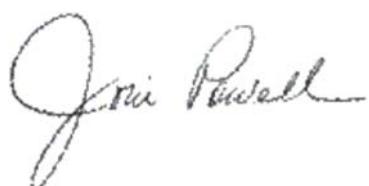
**11. Other Business:** Councilman Womble asked if the pedestrian sign caution lights on Main Street could be bigger. Ms. Parrish said she would look into it with the Public Works department.

**12. Manager's Report:** Mr. Dean reminded Council members of upcoming calendar dates.

**13. Closed Session:** None

**14. Adjournment:** There being no further business for the evening, the Oct. 18, 2011 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman VanFossen, a second by Councilman Cobb and a unanimous vote.

Respectfully Submitted on Tuesday, Nov. 1, 2011.



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Joni Powell, MMC, Town Clerk

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