



Holly Springs Town Council
Regular Meeting

August 21, 2012

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, August 21, 2012 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 five council members were present as the meeting opened.

Council Members Present: Mayor Sears and Councilmen Jimmy Cobb, Chet VanFossen and Tim Sack and Councilwomen Cheri Lee and Linda Hunt Williams.

Council Members Absent: None.

Staff Members Present: Chuck Simmons, assistant town manager; John Schifano, town attorney; Linda Harper, deputy town clerk (recording the minutes); Gina Clapp, director of planning and zoning; LeRoy Smith, fire chief; Laura Holloman, planner I; Jeff Jones, senior planner; Jeff Wilson, information technology director; Niki Litts, communications specialist; Drew Holland, finance director; Len Bradley, director of parks and recreation; Stephanie Sudano, director of engineering; Heather Keefer, environmental specialist; Elizabeth Goodson, development review engineer; and Kendra Parrish, senior engineer.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Brent Rector of Woodhaven Baptist Church.

4. Agenda Adjustment: The August 21, 2012 meeting agenda was adopted with changes, if any, as listed below.

Motion By: Sack

Second By: Cobb

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 the Council on any variety of topics not listed on the night's agenda. The following input was recorded: None.

6a. Fiesta De La Paz 2012 Proclamation - Mayor Sears presented a proclamation to the Costa Rican Association of the Triangle, North Carolina, which is a non-profit organization whose mission is to maintain and disseminate cultural identity in the Costa Rican community and the general population through festivals, international fairs at schools, and other events. The largest of these events, Fiesta de La Paz, will be held for the second consecutive year at Womble Park in Holly Springs on Sunday, August 26, 2012. Admission is free, and the public is cordially invited.

Councilman Sack commented on his trip to Costa Rica and is a wonderful place to visit.

Action: None.

7a. Public Hearing: 12-CPA-01, Comprehensive Plan Amendment - Ms. Holloman said this request is to consider a proposed Comprehensive Plan Amendment #12-CPA-01, to amend the Southern Gateway Plan Future Land Use Designation of 4 acres of property located along GB Alford Hwy and near Shadow Valley Road from Office/Professional designation to Mixed Residential.

Ms. Holloman said the Future Land Use Plan has this property designated as part of a "Regional Center" and is more specifically located in the Southern Gateway planning area. Within the Southern Gateway Plan this parcel is currently designated as Office/Professional. That designation is intended to develop major community employment centers, including major office complexes, corporate headquarters, compatible office-type businesses, limited public and semi-public uses, and research and development facilities which are in keeping in physical appearance and service requirements to general office uses.

However, given the existing surrounding residential development, as well as planned high density residential development, Pecan Grove, the more harmonious choice in this corridor is mixed residential rather than commercial sandwiched between residential uses.

She explained the proposed amendment is for a mixed residential designation. This designation provides areas for multifamily development, including apartments, condominiums, townhomes, and small lot single family developments. These projects should be designed to provide access to adjacent commercial areas.

Ms. Holloman said the appropriate zoning districts for the requested land use category would include R-8, R-MF-8 and R-MF-15 residential districts.

She said that R-MF-8 allows for townhomes, apartments as well as condominiums, density is limited to 8 dwelling units an acre. R-MF-15 also allows for multifamily units like townhomes, apartments, and condominiums. It is the highest density residential zoning district, and allows for 15 dwelling units per acre.

The existing commercial category speaks to the Local Business district, which could yield a wide variety of office/professional services like banks and miscellaneous professional offices. It also could allow for automotive sales & service facilities.

She said this proposed mixed residential designation will allow for an adequate transition between existing and planned residential areas.

Ms. Holloman reviewed the current zoning of the surrounding property adjacent to the proposed amendment. She said the impact of the areas would be in keeping with current zoning and density for this area.

Councilman Cobb asked the planning board recommendation and discussions.

Ms. Holloman said the planning board discussed if the proposed amendment met the intent of the Southern Gateway Plan as well as the adjacent properties and recommended approval with no conditions.

Councilman VanFosson made a comment that this property was rezoned several years ago, there were concerns from adjacent residence that lives a long Shadow Valley Road regards to buffers and road improvements. He said that he had no problem with the request and understands this is all about marketing of the property.

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

Brent Lane of 5004 Parkmore Drive, said his property is located at the end of Old Adams Road and his concern is the increase traffic the proposed amendment would create along Old Adams Road and GB Alford Hwy. He suggested the Town conduct a traffic study at the intersection of GB Alford Hwy and Old Adams Road. He also inquired about the status of reduction of speed limit from 55 mph to 45 mph along the bypass in front of the proposed Pecan Grove project.

Fred Honeycutt of 5313 Shadow Valley Road said that his major concerns were the 30 foot buffer and would like the removal of the old trees and plant new ones. He said the proposed development will cause increase of traffic along G. B. Alford Hwy., he also said the property will have sidewalk improvements along the Holly Springs' side of the Holly Springs and

Fuquay-Varina annexation boundary line.

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

Action: The Council approved a motion to adopt Resolution 12-16 for Comprehensive Plan Amendment #12-CPA-01 amend the Southern Gateway Plan Future Land Use Designation of ± 4 acres of Wake County PIN: #0658246285 from Office/Professional to Mixed Residential as submitted by Hugh J. Gilleece, III of Gilleece & Associates, more specifically described as follows:

Being a certain parcel of land located in Wake County, North Carolina, Being Tract # 2 of D. Carlyle Adams, Jr. Property; and being more particularly described as follows:

BEGINNING at an existing iron stake on the eastern right of way of N.C. Highway 55, having NC Grid Coordinates of N = 684,724.914 and E = 2,051,805.675; Thence South 87 degrees 08 minutes 49 seconds East - 48.77 feet to an existing iron pipe; Thence South 87 degrees 11 minutes 52 seconds East - 125.00 feet to an existing iron pipe; Thence South 87 degrees 01 minutes 16 seconds East - 254.89 feet to an existing iron pipe; Thence South 87 degrees 19 minutes 46 seconds East - 152.11 feet to an existing iron pipe Thence South 87 degrees 08 minutes 50 seconds East - 163.76 feet to an existing iron pipe; Thence South 87 degrees 09 minutes 38 seconds East - 161.60 feet to an iron stake set; Thence South 02 degrees 50 minutes 54 seconds West - 209.12 feet to an iron stake set; Thence North 87 degrees 09 minutes 06 seconds West - 620.44 feet to an iron stake set; Thence along a curve to the left having a radius of 125.00 feet an arc length of 85.75 feet a chord bearing and distance of South 73 degrees 16 minutes 00 seconds West - 84.08 feet to an iron stake set; Thence North 81 degrees 27 minutes 33 seconds West - 20.20 feet to an iron stake set; on the eastern right of way of N.C. Highway 55; Thence North 36 degrees 24 minutes 04 seconds West - 277.44 feet along the Eastern right of way of N.C. Highway 55 to an existing concrete monument; Thence North 52 degrees 38 minutes 03 seconds East - 6.84 feet to an existing concrete monument; Thence North 42 degrees 11 minutes 51 seconds West - 22.69 feet to an existing iron stake the point of BEGINNING. Together with and subject to covenants, easements and restrictions of record. Said property contains 4.00 acres more or less.

Motion By: Vanfossen

Second By: Cobb

Vote: Unanimous

A copy of Resolution 12-16 is attached to these minutes.

7b. Public Hearing: 12-CPA-02, Comprehensive Plan Amendment - Mr. Jones said this request is to consider modification to the Land Use Element of Vision Holly Springs to incorporate changes related to density.

He said staff has been working on updates to the Vision Holly Springs Comprehensive Plan in conjunction with updates to the Town's Unified Development Ordinance, (UDO) with respect to higher density residential projects and where those projects may be encouraged in Town. He said staff has prepared a text amendment that identifies four locations in Town for higher density residential projects beyond 15 units to an acre when associated with or immediately adjacent to a commercial project. Those locations are:

- Northeast Gateway Area - Sunset Lake Road/Holly Springs Road/future NC 540 interchange
- Southern Gateway Area - GB Alford Hwy/Avent Ferry Rd/Piney Grove Wilbon Rd
- New Hill Rd and GB Alford Hwy Regional Center
- Future US 1 Interchange in the Northwest Area

He said these areas in Town are situated along current or future major thoroughfares and as such we feel that these are the best locations for apartment style development with higher densities. Other Community Growth Area's or other locations in Town would be limited to 8 units to an acre.

With that explanation completed, Mayor Sears opened the public hearing. The following comments were recorded: None

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

Action: The Council approved a motion to adopt Resolution 12-17 for Comprehensive Plan Amendment #12-CPA-02 amending the Land Use Element of Vision Holly Springs.

Motion By: Cobb

Second By: Sack

Vote: Unanimous

A copy of Resolution 12-17 is attached to these minutes.

7c. Public Hearing: 12-REZ-03, Rezoning Petition - Ms. Holloman said this request is to modify the zoning of approximately 4 acres from LB: Local Business to R-MF-15: Residential. She said the parcel is located along GB Alford Highway and is directly adjacent to the approved Pecan Grove Apartments project. This rezoning request mimics the current Pecan Grove Apartments zoning classification of R-MF-15. Allows smaller lots and residential.

Councilman Cobb asked what were the concerns and recommendation of the planning board regarding access onto Hwy. 55.

Ms. Holloman said the planning board discussed if the Holly Springs market could support additional multifamily zoning in this area and potential vehicular access points on Highway 55.

Ms. Goodson said normally access points will be reviewed and covered during plan review process. She said there is an approved plan showing an access point onto Hwy. 55 to the property adjacent to the proposed rezoning.

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

Hugh J. Gilleece, III of Gilleece & Associates, 875 Walnut Street, Cary, representing the applicant clarified the access to the property. He said the proposed rezoning to residential from local business will decrease the projected traffic by two thirds. He said there will be a fence and buffers located along the rear property lines of the neighbors who live on Shadow Valley Road. He said a meeting was held with the adjacent property owners and answered the drainages, and road improvement concerns. He said the project will be build out with 15 to 18 months.

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

Mayor Sears re-opened the public hearing. The following comments were recorded:

Brent Lane of 5004 Parkmore Drive, reinstated his concerns with the proposed apartments will increase vehicular traffic along Old Adams Road and GB Alford Hwy. He also inquired about the status of reduction of speed limit from 55 mph to 45 mph along the bypass in front of the proposed Pecan Grove Apartments project.

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

Action #1: The Council approved a motion to accept the following statement as true: "The requested zone map change from LB: Local Business to R-MF-15 is consistent with the Vision Holly Springs Comprehensive Plan since the Future Land Use Plan Map indicates this property as Regional Center and as part of the Southern Gateway Plan as Mixed Residential. This designation will continue to provide and allow for higher densities of residential to support existing and planned for high density commercial areas in the Southern Gateway area."

Motion By: VanFosson

Second By: Cobb

Vote: Unanimous

Action #2: The Council approved a motion to adopt Rezoning Ordinance 12-REZ-03 for Zone Map Change Petition #12-REZ-03 to change the zoning of 4 acres, a portion of Wake County PIN #0658246285 from LB: Local Business to R-MF-15: Residential, as submitted by Hugh J. Gilleece, III Gilleece & Associates, more specifically described as the following: Being a certain parcel of land located in Wake County, North Carolina, being Tract # 2 of D. Carlyle Adams, Jr. Property; and being more particularly described as follows: BEGINNING at an existing iron stake on the eastern right of way of N.C. Highway 55, Having NC Grid Coordinates of N = 684,724.914 and E = 2,051,805.675; Thence South 87 degrees 08 minutes 49 seconds

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East - 161.60 feet to an iron stake set; Thence South 02 degrees 50 minutes 54 seconds West
- 209.12 feet to an iron stake set; Thence North 87 degrees 09 minutes 06 seconds West -
620.44 feet to an iron stake set; Thence along a curve to the left having a radius of 125.00 feet
an arc length of 85.75 feet a chord bearing and distance of South 73 degrees 16 minutes 00
seconds West - 84.08 feet to an iron stake set; Thence North 81 degrees 27 minutes 33
seconds West - 20.20 feet to an iron stake set; on the eastern right of way of N.C. Highway
55;Thence North 36 degrees 24 minutes 04 seconds West - 277.44 feet along the Eastern right
of way of N.C. Highway 55 to an existing concrete monument; Thence North 52 degrees 38
minutes 03 seconds East - 6.84 feet to an existing concrete monument; Thence North 42
degrees 11 minutes 51 seconds West - 22.69 feet to an existing iron stake the point of
BEGINNING. Together with and subject to covenants, easements and restrictions of record.
Said property contains 4.00 acres more or less.

Motion By: VanFossen

Second By: Cobb

Vote: Unanimous

A copy of Rezoning Ordinance 12-REZ-03 is attached to these minutes.

7d. Public Hearing: 12-REZ-04, Rezoning Petition - Ms. Holloman said that this request is for a zone map change for property located near the intersection of Sunset Lake Road and Holly Springs Road. She said the applicant is requesting to rezone the property from R-20: Residential to LB: Local Business. The parcel is currently vacant and is approximately 1.92 acres in size. The property is included in the Northeast Gateway Area Plan, and the requested LB: Local Business zoning district is consistent with the business land use designation.

With that explanation completed, Mayor Sears opened the public hearing. The following comments were recorded: None.

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

Councilman VanFossen asked if Eisenhower Drive will connect to this proposed property, making a loop from Sunset Lake Road to Holly Springs Road.

Ms. Goodson said there were discussions about Lassiter Road looping to Holly Springs Road. She said as development occurs to the proposed property, it could be possible to make that connection.

Action#1: The Council approved a motion to accept the following statement as true: "*The requested zone map change from R-20 to LB is consistent with the Vision Holly Springs Comprehensive Growth Plan and the Northeast Gateway Area Plan since the Future Land Use Plan Map indicates this property as business and the LB: Local Business District allows for commercial, retail, and office development.*"

Motion By: Sack

Second By: Cobb

Vote: Unanimous

Action #2: The Council approved a motion to adopt Rezoning Ordinance 12-REZ-04 for Zone Map Change Petition #12-REZ-04 to change the zoning of 1.92 acres of Wake County PIN #0659970382 from R-20: Residential to LB: Local Business as submitted by Stancil & Associates.

Motion By: Cobb

Second By: Sack

Vote: Unanimous

A copy of Rezoning Ordinance 12-REZ-04 is attached to these minutes.

7e. Public Hearing: Ordinance 12-05 UDO Amendment 12-UDO-01 - Ms. Holloman reviewed the following proposed Unified Development Ordinance amendments to the Council for consideration:

Section being Amended	Summary of Change	Reason for Change
Section 2.07	Reduces thoroughfare setback requirements in the R-MF-15 district.	Creates a more urban streetscape
Section 2.08	Updates the zoning regulations for S wimming Pools	Removes standards that are now regulated by the North Carolina Building Code
Section 2.09	Updates the architectural requirements for Development Options subdivisions	Ensures better quality homes are built in Development Options neighborhoods
Section 3.02	Revises the Mixed Use Option in the Local Business District	Reduces setbacks adjacent road and other commercial zoning districts. Sets a maximum density of 15 units per acre.
Section 3.03	Modifications to allow for parking lots (private and public) to be located in the front yard	Currently in the TV district, only public parking lots can be located in the front yard. The purpose of requiring private lots to be set back was to hopefully encourage developers to put buildings to the road. Since this cannot always be accomplished and we want greater intensity uses, the amendment allows for parking to be moved into the front setback as long as they install the stone columns and holly hedge that the Town has installed with their lots.
Section 3.05	Revises the Mixed Use Option in the Community Business District.	Reduces setbacks adjacent road and other commercial zoning districts. Sets a minimum density of 15 units per acre and no maximum density. Raises maximum building height to 75 feet.
Section 7.01	Adds street tree regulations as well as modifies the thoroughfare buffer requirement for R-MF-15 projects.	Clarifies the placement of the large deciduous trees for thoroughfare plantings to be spaced and appear as street trees. Adds a needed street tree planting requirement in all new residential subdivisions. Adjusts the thoroughfare buffer requirement in R-MF-15 to coincide with the improved architectural requirements to R-MF-15 that were amended last year.
Section 7.04	Modifies the required parking reduction for the Town Village District from mandatory for all projects to only those that are within 300' of a public parking lot.	Staff has been meeting with various developers looking at potential projects in the TV District. Many parcels are not located close to a public parking lot and need to provide adequate parking to make their projects work. This amendment only requires a reduction

		of maximum parking spaces for those projects within 300' of a public parking lot, which is a very walkable distance and the same as the distance for "shared" parking options.
Section 7.07, B.	Remove Section 7.07.B-13	Removes this option from the UDO to be consistent with the types of roads described in the Engineering Design and Construction Standards.
Section 7.08, B.	Add reference to Section 8 of Town Code	Clarifies where additional information on the easement requirements are located.
Section 9.05, B.	Adds language referencing original approved subdivision plan	Clarifies intent was to not add more than 10% units or 10 whichever is less from the original approved plan- to not allow developers to continuously submit amendments for 10 additional units.
Section 9.05, D.	Adds language referencing original approved subdivision plan and updates the minor amendment rules pertaining to Director level amendments to Development Plans	Clarifies intent was to not add more than 10% units or 10 whichever is less from the original approved plan- to not allow developers to continuously submit amendments for 10 additional units. Also clarifies that minor amendments to plans cannot conflict with specific conditions of approval or findings of fact specified by the Town Council.
Section 9.09	Updates the minor amendment rules pertaining to Director level amendments to Development Plans submitted in conjunction with a Special Exception Use	Technically, the Director should not approve amendments to a Special Exception Use since it is a quasi-judicial decision. This clarifies that the Development Plan submitted in conjunction with an SEU may be amended by the Director, but only within the confines set by the Town Council in section 9.05, D. Any other amendments would require TC Action.
Section 11.02	Revises the Gross Density definition.	Provides clarity by simplifying the definition to include the entire property area except for the required roadway right-of-way for the adjacent perimeter road.
Global	Modifies all references to the "Thoroughfare Plan" to "Comprehensive Transportation Plan"	Comprehensive Transportation Plan was adopted in June 2011 and replaced all previous thoroughfare planning documents.

Ms. Holloman explained the proposed ordinance amendment requires developers of new subdivision to install street trees.

Ms. Holloman explained that this request is to approve the proposed amendments with the exception of Parts 13, 14, and 16. These three sections relate to street trees and staff is still

working on review and revisions based upon comments from the Town Council on the Street Tree Maintenance Policy presented at the last meeting. She said the Council is to hold public hearings on all ordinance amendments and continue the public hearing for Parts 13, 14, and 16 of the draft ordinance in regards to Section 7.01 Landscaping Regulations, these parts will go to the next regularly scheduled Town Council Meeting on September 4, 2012.

Councilman Sack said around town there are existing subdivisions with street trees located in the easements and other subdivisions do not have street trees. He said by requiring street trees in the easement, is the Town creating an ongoing problem for maintenance and cost, if so, how can the Town prevent this problem reoccurring.

Ms. Holloman said staff is currently working with the Town Attorney to make revisions to the street tree policy. She said staff will focus on working with developers to relocate or plant smaller trees when reviewing street light plans, sight triangles at intersections and power lines.

With that explanation completed, Mayor Sears opened the public hearing. The following comments were recorded: None.

There being no comments, the public hearing was closed with the exception of Parts 13, 14, and 16 will remain open to the next regularly scheduled Town Council meeting on September 4, 2012.

Action #1: The Council approved a motion to accept the following statement as true: “*The requested UDO Text Amendment is consistent with the Vision Holly Springs Comprehensive Plan: Executive Summary in regards to “Using the Plan to Implement the Town’s Vision” and “Adopting and Implementing the Plan”; Section 1: Future Land Use “Objectives”, “Community Growth Areas”, “Regional Centers”, and “Future Land Use Plan Details”; Section 4: Community Character “Objectives”, “Defining the Village Streetscape”; Section 7: Infrastructure and Utilities “Objectives”; and Appendix 2.1: Village District Area Plan “Streets and Streetscape Recommendations”. The proposed UDO Amendments provide the tools necessary for staff and the development community to implement the goals and objectives stated in the Plan.*”

Motion By: Williams

Second By: Cobb

Vote: Unanimous

Action #2: The Council approved a motion to adopt Ordinance 12-05, UDO Text Amendment #12-UDO-01 to modify text of sections 2.07, 2.08, 2.09, 3.02, 3.03, 3.05, 7.01, 7.04, 7.07, 7.08, 9.05, 9.09, 11.02, and global modifications and table Parts 13, 14, and 16 to the next regularly scheduled Town Council meeting on September 4, 2012.

Motion By: Cobb

Second By: VanFosser

Vote: Unanimous

A copy of Ordinance 12-05 is attached to these minutes.

8. 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 Councilman VanFosser and a unanimous vote. The following actions were affected:

8a. Budget Amendment Report - The Council received monthly report of amendments to the FY 2012-13 budget approved by the town manager. *A copy of budget amendments is attached to these minutes.*

8b. Resolution 12-18 - The Council adopted Resolution 12-18 supporting an application to the Local Government Commission for its approval of up to \$14,000,000 in Town refunding revenue bonds. *A copy of Resolution 12-18 is attached to these minutes.*

8c. NC Sedimentation Control Commission Agreement - The Council approved to enter a Memorandum of Agreement with the North Carolina Sedimentation Control Commission.

8d. Resolution 12-19 - The Council adopted Resolution 12-19 declaring certain property to be surplus to the needs of the Town and authorizing the disposal of said property. *A copy of Resolution 12-19 is attached to these minutes.*

8e. Bass Lake Sidewalk Project - The Council approved installation of lighting for the Bass Lake sidewalk project and adopt related budget amendments.

8f. Resolution 12-21 - The Council adopted Resolution 12-21 providing preliminary approval for refinancing of existing town installment financing obligations with PNC Bank. A copy of *Resolution 12-21* is attached to these minutes.

9a. Parks and Recreation Advisory Committee - Mr. Bradley said this item was tabled at a previous Council meeting. He said since June, a second seat has become available with the resignation of Ken Henke, term ending June, 2013. The open positions were advertised for applications on the Town Web site with a July 2 deadline.

He said staff has received applications and was included in the agenda packets for your review. This request is to fill one opening with a three-year term and a second opening completing term ending June, 2013.

Councilwoman Lee commented that at the July meeting Kristi Lage application was misplaced and it was missing in the current packet until located earlier this afternoon. Councilman Sack said that all applicants were considered.

Action: The Council approved a motion to appoint Raymond Riordan for a three-year term and appoint Jennifer Jones to complete term ending June, 2013 to the Parks and Recreation Advisory Committee.

Motion By: Sack

Second By: Cobb

Vote: Motion carried with a vote of 3 in favor, Councilmen Cobb, VanFosser, Sack and 2 opposed, Councilwomen Lee and Williams.

10a. Ballenridge Sewer Pipe Replacement Project - Ms. Parrish said that Diehl & Phillips Engineers recently completed design and project management of the repair and coating of hydrogen-sulfide damaged manholes along the Ballenridge Outfall (a gravity sewer outfall that carries more than half of the Town's sewer to the Wastewater Reclamation Facility). She said in addition, Diehl and Phillips' scope of work included overseeing special cleaning, videotaping, and study of the existing sewer pipes between the rehabilitated manholes. The video of the pipe interior and the coupons samples extracted as a part of this manhole rehabilitation project indicate that approximately 110 feet at W. Ballentine Street and 435 feet at the Bypass (both ductile iron pipes) have been severely degraded by chemical attack.

She said Diehl and Phillips recommends replacement of these segments of sewer pipe, and staff concurs. This request is to consider a contract for professional services that includes preparation of design plans, bidding, and bid award for this work to be completed.

Ms. Parrish said that this will be an expensive project. She said the consultant is also recommending the following actions be taken to avoid further corrosion of this outfall:

- Special man hole coating after rehabilitation of manholes (this has been done);
- Addition of odor control filter vents to the manholes that have previously been converted to watertight, closed top manholes;
- Close monitoring of hydrogen sulfide levels and feeding of appropriate levels of odor control chemicals in the future to address both odor and hydrogen sulfide production;

She said public works department is currently working to complete these items.

Ms. Parrish discussed the monitoring and samples of Hydrogen sulfide levels taken. She said that public works takes random samples each month along the sewer line. She explained the change outs for the media is every 18 months or possible longer.

Action: The Council approved a motion to enter a contract with Diehl & Phillips, P.A. Consulting Engineers in the amount of \$40,550 for the design of Ballenridge sewer pipe replacement and adopt related budget amendments.

Motion By: Williams

Second By: Cobb

Vote: Unanimous

A copy of budget amendments is attached to these minutes.

10b. Bass Lake Bridge Greenway Project - Ms. Parrish said the pedestrian path around Bass Lake is complete except for the crossing of Basal Creek, just downstream of the Bass Lake dam. She said this link was requested in the budget this year as a high priority/high need.

She said the actual construction may have to wait until next year's budget, the design and permitting is less expensive and is being undertaken now. Permitting is complicated and will take most of the year. She said staff followed the Town's consultant selection process and negotiated the proposed contract for professional services with Wetherill and Associates, PA.

She said the scope of work in the contract is very inclusive. It includes: design of a pedestrian bridge, structural services, hydraulic modeling for FEMA floodplain, geotechnical testing, environmental permitting, Clean Water Trust Fund approval, and preparation of full construction drawings and contract specifications for bid.

Action: The Council approved a motion to award contract to Wetherill Engineering in the amount of \$74,988 for Bass Lake Bridge Greenway project and adoption of budget amendments.

Motion By: VanFossen

Second By: Williams

Vote: Unanimous

A copy of budget amendments is attached to these minutes.

10c. W. Holly Springs Road Sidewalk Project - Ms. Parrish said the West Holly Springs Road sidewalk project (from Main Street to N.C. Bypass) is considered a high priority to have a pedestrian connection from the downtown area to Holly Springs Towne Center development. She said the survey is currently underway. This request is to consider a proposed contract with Sungate Design Group that includes full design and advertisement for bid. Sungate was chosen from our consultant selection database because of their exceptional experience in retrofitted sidewalks in urban areas.

Action: Council approved a motion to award contract to Sungate Design Group in the amount of \$59,265 for the West Holly Springs Road sidewalk project and adoption of related budget amendments.

Motion By: VanFossen

Second By: Cobb

Vote: Unanimous.

A copy of budget amendments is attached to these minutes.

10d. Mims Property Regional Stormwater Device - Ms. Parrish explained the downtown development incentive initiatives were a goal established at the 2012 Town Council Retreat, with the installation of a regional stormwater treatment device on the Mims site being ranked a high priority. She said that stormwater treatment is required for all new development under the federally mandated Town NPDES ordinance, and the construction of a facility to provide that treatment for several sites downtown would be an incentive for developments.

Ms. Parrish said therefore, in accordance with the Town's consultant selection process, staff recently worked with Withers & Ravenel to develop a proposal for a concept design and construction drawings for a regional stormwater device on the Mims property. She reviewed a map that identifies the parcels that will be served by this regional stormwater device. This device will treat stormwater (down to 10 lbs. for nitrogen) and address water quantity related issues for all upstream properties - both developed and undeveloped. Properties served by the device will be able to develop more of their land, which would have been encumbered by a site-specific stormwater treatment device. She said existing developed parcels will be included in the design for the device so that previously collected fee-in-lieu funds may be used towards construction.

She said professional services for this project includes planning, engineering, surveying,

and landscape architecture for two concepts. After selection of a final concept is made, services include preparation of construction drawings, permitting, specifications, contract documents, bidding and award of the construction to a contractor.

Ms. Parrish said that to take note that the parcels that are served with this facility will still have to pay a fee-in-lieu for stormwater treatment beyond the 10 lbs. threshold mentioned above (it is very difficult to achieve below 10 lbs. with treatment) - to 6 lbs. for nitrogen.

Action: The Council approved a motion to award contract with Withers & Ravenel in the amount of \$80,000, includes contingency, for the Mims property regional stormwater device and adoption of budget amendments.

Motion By: Sack

Second By: Cobb

Vote: Unanimous.

A copy of budget amendments is attached to these minutes.

10e. Sunset Lake Road Sidewalk Project - Ms. Parrish said the Sunset Lake Road sidewalk project (from Holly Springs Road to Kenmont Drive) is a high priority project, in order to have a pedestrian connection from the residential area to the commercial center at Sunset Lake Road and Holly Springs Road. She said the survey is currently underway for this project. This request is for a design contract from Sungate Design Group, which includes full design and advertisement for bid. She said the Sungate Design Group was chosen from our consultant selection database, because of their exceptional experience in retrofitted sidewalk in urban areas.

Action: The Council approved a motion to award contract to Sungate Design Group in the amount of \$45,515 for the Sunset Lake Road sidewalk project and adoption of budget amendments.

Motion By: VanFossen

Second By: Williams

Vote: Unanimous.

A copy of budget amendments is attached to these minutes.

10f. Utley Creek Basin Flood Study - Ms. Parrish said as development occurs upstream of drainage complaints, the Town under Policy P-018 requires a flood study to be completed. The purpose of the flood study is to ensure that new development will mitigate the impact of rising flood levels and not increase the floodplain on the downstream property owners.

She said the Town has conducted flood studies when there was substantial potential for development in the near future within a basin such as with the Somerset, Gable Ridge, Remington, and Windward Pointe subdivisions. She said staff has worked with Withers & Ravenel on the scope to do the necessary flood study work on the Utley Creek Basin. This basin includes an area bounded by Main Street, Earp Street, N.C. 55 Bypass, and Avent Ferry Road up to Holly Springs Road.

Action: The Council approved a motion to enter a contract with Withers & Ravenel in the amount of \$15,200 for an Utley Creek Basin flood study.

Motion By: VanFossen

Second By: Cobb

Vote: Unanimous.

10g. Holly Springs New Hill Road Property - Mr. Schifano explained that in order to complete needed upgrades and extensions to the Town's utility infrastructure, a utility easement will need to be acquired from Ms. Joyce Lucas on property she owns at 11605 Holly Springs / New Hill Road. He said after more than a month of negotiations, it has become apparent that Ms. Lucas and the Town have very divergent views on the value of the easement, which impacts a small area of her property. Ms. Lucas feels that the Town should have known this easement would be needed at the time that right of way and related easements were being

acquired from her for the construction of Green Oaks Parkway. That project and the current one are unrelated and the current project has only been designed within the last three months. The easement is 1,602 square feet in size.

Councilman Sack asked if the property owners been contacted for mitigation. Mr. Schifano explained mitigation will be the next step in the condemnation process.

Action: The Council approved a motion to adopt Resolution 12-20, authorizing condemnation of a portion of property located at 11605 Holly Springs New Hill Road.

Motion By: Sack

Second By: VanFosser

Vote: Unanimous.

A copy of Resolution 12-20 is attached to these minutes

10h. North Main Athletic Complex Project - Mr. Bradley said that this request is to consider a proposal from Withers and Ravenel for North Main Athletic Complex. He said staff is recommending this consultant based on a proposal and presentation of qualifications, and previous projects related to the concept established for this property. He said staff followed the Town's consultant selection process and interviewed 15 consultants for the next three agenda items. He said staff negotiated the proposed contract for professional services with Withers and Ravenel. He said being the property in question has not yet been acquired; therefore, the scope of work is divided into two contracts as follows:

Contract 1: includes: project administration & assessment, surveying for master plan, topographical survey south, site assessment, grading and miscellaneous expenses, totaling in the amount of \$84,770.

Contract 2: includes: project administration, topographical survey north, preliminary transportation analysis, master planning, miscellaneous expenses, totaling in the amount \$79,480. He said with a 10% contingency the entire project contract will be in the amount of \$180,675.

Mr. Bradley said the work listed in contract one will be conducted prior to the acquisition of property and work listed in contract two will be conducted after the purchase of the property.

Councilman VanFosser made a motion to approve to enter a contract with Withers and Ravenel contract in the amount of \$164,250 with a 10% contingency, for a total of \$180,675, for North Main Athletic Complex and adopt budget amendments.

Motion died from lack of a second.

Councilman Sack asked the Town Attorney should the motion be two motions being there are two contracts. Mr. Schifano suggested the council approve contract one with conditions once establishing the site is buildable and acquisition of the property is reach and authorize Town Manager to approve contract two once all conditions of contract one are met.

Councilwoman Williams asked if these funds are part of the \$9 million Parks and Recreation Bond funds. Mr. Bradley said yes, these contracts are part of the \$9 million Parks and Recreation Bond Referendum projects and funds.

Action: The Council approved a motion to enter contract one with Withers and Ravenel in the amount of \$84,770. Upon the condition being satisfied that the site is buildable and acquisition of the property is reached, this motion further authorizes the Town Manager to enter into contract two with Withers and Ravenel in the amount of \$79,480, to include a 10% contingency for a total of \$180,675, once all conditions of contract one is met for North Main Athletic Complex and adopt budget amendments.

Motion By: Sack

Second By: Cobb

Vote: Unanimous

A copy of budget amendments is attached to these minutes.

10i. Bass Lake and Utley Creek Greenway Trails - Mr. Bradley said this request is to
August 21, 2012 | Town Council Meeting
Page 12 of 14

consider a proposal from Kimley-Horn and Associates, Inc., for leading the planning and construction of greenway trails in the Bass Lake and Utley Creek areas.

He said based on proposals provided to staff and the presentation of qualifications and relevant work, staff recommends to enter a contract with Kimley-Horn for design and planning, administrative work, surveying, environmental permits, preliminary design, drainage design, final design services, bidding and miscellaneous expenses, in an amount of \$186,700, plus a 10% contingency, for a total of \$205,370.

Councilwoman Williams asked if this was the first step in developing the greenways using the \$9 million Parks and Recreation Bond funds. Mr. Bradley said yes this is part of the master plan that was presented to council.

Mr. Bradley reviewed the proposed greenway trails around the Bass Lake, Womble Park and Utley Creek areas.

Councilwoman asked about security on the greenways. Mr. Bradley said the greenway plans proposes the trails to be asphalt and are wide enough for police and rescue services to enter and also, to educate the public to be aware of the dangers.

Action: The Council approved a motion to enter a contract with Kimley-Horn and Associates, Inc., in the amount of \$186,700, with a 10% contingency, for a total of \$205,370 for greenway trails in Bass Lake and Utley Creek areas and adopt budget amendments.

Motion By: Cobb

Second By: VanFosson

Vote: Unanimous.

A copy of budget amendments is attached to these minutes.

10j. Womble and Jones Park Improvement Projects - Mr. Bradley said that this request is to consider a proposal from Lappas and Havener, P.A., for Womble and Jones Park improvements. He said this consultant was selected as a result of a written proposal and oral presentation based on the qualifications and work similar that planned for Womble and Jones Parks.

He said staff recommends approval of entering a contract with Lappas and Havener, PA as landscape architects for the following scope of work: schematic design, design development, construction documentation, bid process, and construction administration, in the amount of 269,640, with a 10% contingency of \$26,960 for a total of \$296,660.

Mr. Bradley said this contract will complete the master plans for Womble and Jones Park from start to finish, including: tennis courts, artificial turf field, athletic field and court lighting, field house including concessions/restroom/picnic area, children's playground renovation/expansion, parking, walking trails, and parking and lighting by Progress Energy.

Councilwoman asked if this project was advertised for bidding. Mr. Schifano said landscape architects are not required by law to follow the bidding process. He said staff followed the town's consultant selection policy for selecting this consultant.

Mr. Simmons said staff verified the references of Lappas and Havener, PA and received positive feedback of the company's work.

Action: The Council approved a motion to enter a contract with Lappas and Havener, PA as landscape architects in the amount of \$269,640 with a 10% contingency of \$26,960, for a total of \$296,600 for the Womble and Jones Park improvement projects and adopt budget amendment.

Motion By: Williams

Second By: Cobb

Vote: Unanimous.

A copy of budget amendments is attached to these minutes.

11. Other Business: Councilman Sack said Grigsby Avenue sidewalk is completed and is being used by pedestrians and the sidewalk located on Linksland Drive and Holly Springs Road is near completion.

Mayor Sears has received positive comments regarding the town's sidewalk projects from other Town Mayors.

Councilwoman Williams said that she has received positive feedback from contractors who are renovating her house, how nice town staff is to work with.

12. Manager's Report: Mr. Simmons requested for legislative and regulatory goals for the NC League of Municipalities, comments are due by August 31, 2012. He also asked those who are interested attending the NCLM annual conference in Charlotte, NC to email the Town Clerks' office by September 10th for registration.

13. Closed Session: None.

14. Adjournment: There being no further business for the evening, the August 21, 2012 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, Sept. 4, 2012.

Linda R. Harper
Linda R. Harper, MMC, Deputy Town Clerk
Addenda pages as referenced in these minutes follow and are a part of the official record

