



Holly Springs Town Council  
Regular Meeting

**April 16, 2013**

**MINUTES**

The Holly Springs Town Council met in regular session on Tuesday, April 16, 2013 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 James Cobb, Chet VanFossen and Tim Sack and Councilwomen Linda Hunt Williams and Cheri Lee.

**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; Elizabeth Goodson, development review engineer; Jeff Wilson, information technology director; Len Bradley, parks and recreation director; Gina Clapp, planning director; Jeff Jones, senior planner; Laura Holloman and Sean Ryan, planners I; Daniel Weeks, project analyst; Shelia Stanton, farmers market coordinator; Mary Hogan, finance director; Leroy Smith, fire chief; John Herring, police chief; members of the fire department; and Mark Andrews, public information officer.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Pastor Doug Parlin, pastor of South Wake Baptist church.

**4. Agenda Adjustment:** The April 16, 2013 meeting agenda was adopted with changes, if any, as listed below.

**Motion By:** Sack

**Second By:** Cobb

**Vote:** Unanimous

**Items added to Agenda as New Business:** None.

**Items removed from New Business Agenda:** Remove agenda item 10b., a resolution for the purchase of trust Wake County property.

**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:

Phillip Yates, 3948 Circle Drive, Apex -- Mr. Yates, who lives off of Sunset Lake Road, asked for speed limit signs and street lights in his neighborhood.

Frank Moffitt, 633 St. Vincent Drive – Mr. Moffitt said sidewalk along Cayman Ave. is not complete beyond Guadalupe Ct. He asked if sidewalk could be completed up to the Sonic. He said it was a safety hazard for pedestrians. He also asked that sidewalk be provided from Windward Point to Veterans Park.

**6a. Lyme Disease Awareness Month** – Mayor Sears warned residents to take precautions against tick bites to prevent contracting the diseases ticks can carry. May is Lyme Disease Awareness Month. Now through June is the peak period for tick activity, since ticks become active when the temperature is 40 degrees or more at ground level.

**Action:** None.

**6b. Kids Appreciation Day** – Mayor Sears said the Kiwanis Club of Holly Springs is planning an event to show the children of this community the Town's appreciation. A "Kids Appreciation Day" celebration is set for Saturday, May 4 at Holly Grove Middle School athletic fields.

Mayor Sears proclaimed May 4, 2013 as "Kids Appreciation Day" in Holly Springs to commemorate this event.

The Terrific Kids program as well as Kids Appreciation Day are projects of the Kiwanis Club of Holly Springs.

**Action:** None.

**6c. Fire Department Recognition** – Ms. Candice Murray provided a brief presentation regarding the CPS-3 cancer prevention study and presented the fire department with a token of appreciation.

**Action:** None.

**7a. Holly Springs Farmers Market** - Ms. Stanton, the farmers market coordinator, provided an update on the Farmers Market Season 7 with an invitation to everyone to the Season Opening from 8:30 a.m. to 12:30 p.m. Saturday, May 4. Mayor Sears will cut the ribbon to start the new season. The Farmers Market will be open each Saturday from 8:30 a.m. to 12:30 p.m. May 4 through Oct. 12 in the E. Center Street public parking lot.

**Action:** None.

**8a. Public Hearing: Comprehensive Plan Amendment 13-CPA-04** – Mr. Ryan said the Town has received a request to change the future land use designation of three parcels, containing 25.8 acres, along Sunset Lake Road from very high residential to mixed use.

He said the Planning Board discussed the following at its meeting on March 26:

- property is not located within the Town's jurisdiction or ETJ. The board felt that since these properties are within the Northeast Area Plan and Short Range Urban Service Area that it is appropriate to discuss changing the future land use.
- The Planning Board had no issues with the requested change.

He said the Planning Board recommended approval.

In discussion, Council members clarified that the property would not be rezoned but the Town's comprehensive plan would be amended.

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

Charles McKoy, 2348 Mt. Pleasant Road, Willow Spring -- Mr. McKoy said he owned some adjacent property and was curious as to how this would impact his land, which is under injunction with NCDOT for the I-540 corridor. Mr. McKoy said his property has not yet been purchased for the road project.

Don Mizelle, 5429 Shoreline Ct. – Mr. Mizelle spoke on behalf of the applicant in support of the petition. He said the property is poised to be developed in Holly Springs and this decision would dictate the direction in which the owner would go in his planning.

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

Councilwoman Williams asked Mr. Shifano how a decision would affect Mr. McKoy's property value or his predicament with NCDOT. Mr. Schifano said it would not affect Mr. McKoy in any way; however, it was unfortunate that NCDOT had not yet purchased Mr. McKoy's land.

**Action:** The Council approved a motion to adopt Resolution 13-18 approving and enacting Comprehensive Plan Amendment 13-CPA-04 to change the Vision Holly Springs Comprehensive

Plan future land use designation of Wake County PINs 0659992843, 0750901058 and 0750901229 from very high density residential to mixed use as requested by Longleaf Development Services.

**Motion By:** Sack

**Second By:** Cobb

**Vote:** Unanimous

*A copy of Resolution 13-18 is attached to these minutes.*

**8b. Public Hearing: Annexation Petition A13-05** – Ms. Holloman said the Town has received a petition for voluntary annexation of 10.66 +/- acres located at 11400 Holly Springs-New Hill Road. The property owners are Leonard B. and Katherine W. Shaffer, and the property is contiguous with city limits.

The petition meets all the statutory requirements for annexation.

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

Thomas Spaulding, 972 Trinity Road, Raleigh – Mr. Spaulding said he was available to answer any questions as he represented the owner. There were no questions.

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

**Action:** The Council approved a motion to adopt Annexation Ordinance A13-05 annexing 10.66 +/- acres owned by Leonard B. and Katherine W. Shaffer, and more particularly described as Wake County PIN: 0649.01-05-4147, into the corporate limits of the Town of Holly Springs.

**Motion By:** VanFossen

**Second By:** Cobb

**Vote:** Unanimous

*A copy of Annexation Ordinance A13-05 is attached to these minutes.*

**8c. Public Hearing: Rezoning Petition 13-REZ-04** – Ms. Holloman said the Town has received a request to conditionally rezone two parcels totaling approximately 19.98 acres from R-20: Residential and R-30: Residential (upon annexation) to BT-CU: Business and Technology Conditional Use. The properties are located along Holly Springs New Hill Road. One of the parcels (PIN: 0649151168) is in the town limits, and the other parcel (PIN: 0649054147) was considered in the previous item.

Ms. Holloman said the petitioner has requested the following conditions be placed on the property:

- 1) No drive-through restaurants shall be allowed.
- 2) No automotive sales and service, including quick oil change facilities, automotive repair of any type, and gasoline service stations.
- 3) No neighborhood recycling collection services.
- 4) No kennel uses with outdoor runs.

She said the zoning conditions are offered by the property owners to be placed on the property and are not required by the Town.

She said the Planning Board discussed the following at its meeting on March 26:

- The potential impacts to adjacent nearby residences with the development of non-residential development, then reasoned that those residences were all slated for business park development as well as designated by the comprehensive plan.
- Concurred that the conditions offered by the applicant would result in less negative impacts to nearby properties and future uses. The Planning Board recommends approval.

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

Thomas Spaulding, 972 Trinity Road, Raleigh – Mr. Spaulding, representing the landowner, addressed the Council to speak in favor of the petition.

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

Councilman Sack asked if the conditions would attach to the land. Mr. Schifano said yes.

**Action #1:** The Council approved a motion to accept the following statement as being true: *"The requested zone map change from R-20 and R-30: Residential to BTCU: Business and Technology Conditional Use is consistent with the Vision Holly Springs Comprehensive Plan since the future land use plan map indicates this property as business park and the Business and Technology District allows for a variety of 'clean' industry uses."*

**Motion By:** VanFossen

**Second By:** Cobb

**Vote:** Unanimous

**Action #2:** The Council approved a motion to adopt ordinance 13-REZ-04 to approve and enact Zone Map Change Petition #13-REZ-04 to change the zoning of 19.98 acres of Wake County PINs # 0649054147 and 0649151168 from R-20: Residential and R-30: Residential to BTCU: Business and Technology Conditional Use as submitted by Spaulding & Norris, PA with the following conditions offered by the petitioner:

- 1) No drive-through restaurants shall be allowed.
- 2) No automotive sales and service, including quick oil change facilities, automotive repair of any type, and gasoline service stations.
- 3) No neighborhood recycling collection services.
- 4) No kennel uses with outdoor runs.

**Motion By:** Lee

**Second By:** Cobb

**Vote:** Unanimous

*A copy of Annexation Rezoning Ordinance 13-REZ-04 is attached to these minutes.*

**8d. Public Hearing: 2010 Community Development Block Grant Program** – Mr. Weeks said that a public hearing is the final requirement to close out the Town's 2010 CDBG Housing Development Grant from the Department of Commerce (DOC.) The Town was awarded \$232,929.19 in grant funds for the Woods at Avent Ferry senior living community for infrastructure improvements to Cotton Lane. The grant covered costs associated with the required water, sewer, drainage, road, and sidewalk improvements. A monitoring visit from DOC took place a couple of weeks ago, once all 64 units had been leased. All grant activities were approved. After this public hearing is held, the Town will send a close-out package to DOC and then expect the grant to be officially closed, Mr. Weeks said.

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.

**Action:** None required and none taken.

**8e. Public Hearing: Annexation Petition A13-04** – Mr. Jones said the public hearing for this annexation was opened and continued from the March 19 Town Council meeting so the town attorney could work out details with the applicant.

The Town has received a petition for voluntary annexation of approximately 7.158 +/- acres located along Grigsby Avenue. The property owners are Betty Waller, Grigsby Development, Inc., and the property is contiguous with city limits.

Council members will recall that the applicant has submitted a related development plan for this property and requests that action on the annexation be delayed until action on the subdivision plan is taken. If the subdivision plan is not approved, the applicant would request that no action be taken on annexation. The related development plan for this property also was tabled at the March 19 Town Council meeting.

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.

**Action:** None.

**9a. Consent Agenda:** The Council approved a motion to approve all items on the Consent Agenda and to amend a motion from the April 2 meeting to correct the address of a land purchase to 750 Holly Springs Road (and that the April 2 meeting minutes reflect the correct address.) The motion carried following a motion by Councilman Sack, a second by Councilman Cobb and a unanimous vote. The following actions were affected:

9a. Minutes – The Council approved minutes of the Council's regular meeting held April 2, 2013

9b. Budget Amendment Report – The Council received a monthly report of amendments to the FY 2012-13 budget approved by the town manager. *A copy of the budget amendment report is attached to these minutes.*

9c. Quarterly Financial Report – The Council received a quarterly financial report. *A copy of the quarterly financial report is attached to these minutes.*

9d. Bass Lake Birthday Party Package - The Council approved a Bass Lake birthday party package and specialty program fee increase.

9e. Comprehensive Plan Amendment 13-CPA-02 - The Council continued the public hearing and deferred action to May 21, 2013 on Comprehensive Plan Amendment 13-CPA-02 for 72 acres along Ralph Stephens Road and Little Moccasin Lane.

9f. Rezoning Petition 13-REZ-03 - The Council continued the public hearing and deferred action to May 21, 2013 on Rezoning Petition 13-REZ-03 requesting property on Ralph Stephens Road and Little Moccasin Lane be rezoned from Commercial to Mixed Residential.

9g. Budget Amendment, \$23,000 – The Council adopted an amendment to the FY 2012-13 budget in the amount of \$23,000 to reclassify natural gas invoices to the utilities gas account. *A copy of the budget amendment is attached to these minutes.*

**10a. New Law Enforcement Center** – Mr. Weeks said the Town recently purchased 3.07 acres of land in bank foreclosure located at 750 Holly Springs Road with the intention of constructing a new Holly Springs Law Enforcement Center. He said staff recommends entering into a contract with Stewart-Cooper-Newell (SCN) for architectural design services. SCN specializes in the design and construction administration of public safety centers and are based out of Gastonia, NC.

He said the contract total is \$294,000 and does not include reimbursables such as mileage, or geotechnical and special inspections that are required on public safety structures. \$18,000 would be used toward the geotech and other services. An operating transfer from Police Department Capital Outlay – Building funds and Miscellaneous Revenues would be used to fund this contract, he said.

Mr. Weeks said SCN performed a space-needs analysis for the police department back in 2010. The study projected space needs for years 2010, 2015, 2020, and 2025. The firm has a thorough understanding of the project and come highly recommended from multiple sources. SCN designed and administered the 33,000 sq. ft. Apex Police Headquarters as well as their substation near Bojangles on Hwy. 55.

**Action:** The Council approved a motion to adopt a budget amendment for \$312,000 and to enter into a contract with Stewart-Cooper-Newell for architectural design services in the amount of \$294,000 for the Town of Holly Springs Law Enforcement Center.

**Motion By:** Sack

**Second by:** Williams

**Vote:** Unanimous.

*A copy of budget amendment is attached to these minutes.*

**10b. Wake County Property** – This item was removed during agenda adjustment.

**10c. Somerset Stream, 12-MAS-03 and Annexation Ordinance A13-04** – Mr. Jones said that Town staff has received a request for an R-10 subdivision. The total number of lots proposed is 123. The subject property is located along Grigsby Avenue, adjacent to the Town’s Jefferson Sugg property.

He said the applicant is requesting an exception to the Engineering Design and Construction Standards requirement for dead-end road length found in Section 3.02E. The applicant and staff have met and discussed options for how to address this requirement with this project or minimize the exception. The applicant has provided loop streets and minimized dead-end road segments; however, the project still exceeds this requirement. The previously-approved Somerset Stream plan did receive an exception of this same requirement.

Staff is not recommending against this exception due to a previous exception’s being granted for a subdivision on this tract of land.

The applicant is requesting that if exception to the waiver is granted and the subdivision plan is otherwise approved, then action on the annexation take place. If not, then the applicant would withdraw the annexation petition.

Mayor Sears asked the developer to describe the project.

Glen Futrell, developer -- Mr. Futrell said the product in the subdivision would be in the high \$200,000s and up. He said there would be connectivity with Somerset Farm and Estes Lane.

**Action #1:** The Council approved a motion to approve an exception to the Town’s Engineering Design and Construction Standards Section 3.02-E in association with Subdivision Plan #12-MAS-03 for Somerset Stream, to allow the length of a dead end road to exceed the maximum of 1,000 feet as submitted by Piedmont Land Design, Project Number FPSSS, dated revised 2/11/13.

**Motion By:** Williams

**Second by:** Cobb

**Vote:** Unanimous.

**Action #2:** The Council approved a motion to approve Preliminary Plan #12-MAS-03 for Somerset Stream as submitted by Piedmont Land Design, Project Number FPSSS, dated Revised 2/11/13 with the following conditions:

1. A fee-in-lieu of upgrade will be required for this project for the Pump Station and/or Force Main
2. This project will be required to meet the Town of Holly Springs NPDES Ph. II Post Construction Stormwater Ordinance.
3. Stormwater sureties are required on this project. A performance surety in the form of a bond, letter of credit or cash is required in the amount of 150% estimated construction cost of the stormwater BMP prior to the preconstruction meeting and a maintenance surety in the form of a cash escrow account in the amount of 35% the actual construction cost of the BMP is required at the end of the performance monitoring period for the project.
4. The following conditions must be addressed prior to 1<sup>st</sup> construction drawings submittal or included with the submittal:
  - a. All items listed on the Stormwater Submittal Checklist, Form #16003 must be submitted.
  - b. A flood study will be required to meet the Town’s policy for Hydrologic Basin Models (Town Policy - P-018). The approved Somerset Stream study will need to be updated to reflect this project.
  - c. Homeowner Environmental education packet must be submitted.
  - d. Provide Phase 1 Environmental Assessment findings and plan to address any corrective actions.
  - e. Thoroughfares, collectors and boulevards will require a calculated pavement design. This may result in a pavement cross section bigger than the specified minimum.

- f. Note that the pavement design will require NCDOT approval. The most restrictive cross-section between the minimum design, calculated pavement design, Triassic design, and NCDOT design will apply.
- g. At the time of construction drawing submittal, a site lighting plan will be required. Street Trees on all interior streets shall be positioned as to not interfere with any lighting fixtures present or any site distance triangles.

5. The following conditions must be addressed prior to construction drawings approval or issuance of a land disturbance permit:

- a. Approval of Stormwater Management Plan is required.
- b. All environmental permits must be obtained for the entire project.

6. A Bass Lake Stream Buffer Waiver is required.

**Motion By:** Cobb

**Second by:** Sack

**Vote:** Unanimous

**Action #3:** The Council approved a motion to adopt Annexation Ordinance A13-04 annexing approximately 7.158 +/- acres located along Grigsby Avenue and owned by Betty Waller, Grigsby Development, Inc. into the corporate limits of the Town of Holly Springs.

**Motion By:** Williams

**Second by:** Cobb

**Vote:** Unanimous

**11. Other Business:** Councilman VanFossen asked Ms. Goodson about the extension of Grigsby Avenue through the Sugg Farm property. Ms. Goodson said it was not on the current transportation plan and there would be difficulties brought about by the conservation easement; Councilman VanFossen and Councilwoman Lee commended the Holly Springs Fire Department for being active in the community; Councilman Sack commented on the grand opening of Holly Springs Towne Center; Councilman Sack relayed information from Joe Fanjoy on the Sugg Park steering committee regarding filling in sidewalk gaps along Grigsby Avenue because it would be a heavily-used pedestrian way; Councilwoman Lee noted that Veterans Park and Jones Park pond need cleaning and patrolling.

**12. Manager's Report:** Mr. Dean reported on a number of events and programs.

**13. Closed Session:** None.

**14. Adjournment:** There being no further business for the evening, the April 16, 2013 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman VanFossen, a second by Councilman Sack and a unanimous vote.

Respectfully Submitted on Tuesday, May 7, 2013.




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