



Holly Springs Town Council
Regular Meeting

June 18, 2013

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, June 18, 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: Chuck Simmons, interim town manager; John Schifano, town attorney; Joni Powell, town clerk, (recording the minutes); Linda Harper, deputy town clerk; Daniel Weeks, project analyst; Jeff Wilson, information technology director; Len Bradley, parks and recreation director; Gina Clapp, planning director; Mary Hogan, finance director; Leroy Smith, fire chief; Jenny Mizelle, director of economic development; Stephanie Sudano, director of engineering; Elizabeth Goodson, development review engineer; Kendra Parrish, senior engineer; Sean Ryan, planner I; Aaron Levitt, engineering project coordinator; Luncie McNeil, public works director; Ricky Blackmon, director of code enforcement; Seann Byrd, public utilities director; John Herring, police chief; and Mark Andrews, public information officer.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Horace Ferguson.

4. Agenda Adjustment: The June 18, 2013 meeting agenda was adopted with changes, if any, as listed below.

Motion By: Sack

Second By: VanFossen

Vote: Unanimous

Items added to the Agenda: None.

Items removed from New Business 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:

Phillip Squires, 112 Country Mile Road – Mr. Squires addressed the Council to update the Council on the Operation Coming Home project that provides a new home to a disabled veteran. Operation Coming Home has finished a home in Holly Springs, and recipient Corporal Cody Stanton will be presented the keys to his new home on Thursday. Mr. Squires invited everyone to attend the key ceremony.

6a. Public Hearing: FY 2013-14 Budget – Mr. Simmons said Council members have received their copies of the manager's proposed FY 2013-14 budget for the Town. At the May 23 budget workshop Council discussed revenues and expenditures and made no major changes to the budget proposal. One issue of parks and recreation bus transportation will be handled with budget

amendments as needed for chartered accommodations until such time as a decision is made to purchase or lease larger, more comfortable and more accommodating transportation, he said.

Mr. Simmons said staff recommends town council take action on the proposed budget ordinance and a proposed ordinance setting the water and sewer rates for FY 2013-14.

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 #1: The Council approved a motion to adopt Ordinance 13-05 establishing the FY 2013-14 operating budget for the Town of Holly Springs.

Motion By: Sack

Second By: Cobb

Vote: Unanimous

A copy of Ordinance 13-05 is attached to these minutes.

Action #2: The Council approved a motion to adopt Ordinance 13-06 setting the FY 2013-14 water and sewer rates.

Motion By: Cobb

Second By: VanFossen

Vote: Unanimous

A copy of Ordinance 13-06 is attached to these minutes.

6b. Public Hearing: Comprehensive Plan Amendment 13-CPA-02 – Mr. Ryan said the Town has received a request to change the Southern Gateway Plan future land use designation of 72 acres from Commercial to Mixed Residential. The subject property is 60.81 acres of an 80.4-acre parcel and all 10.2 acres of an adjacent parcel.

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

Hugh J. Gilleece, representing the applicant -- Mr. Gilleece said he was available to answer questions.

A Beazer Homes representative addressed the Council, saying that environmental features of the property, in his thinking, make it well-suited for mixed residential rather than commercial development. He suggested that if the Council has any concerns that the matter be tabled so that the applicants can address those concerns before action is taken.

Councilman Sack said the Town has such a limited inventory of commercially-zoned land, and the Council should be careful that it doesn't take away what little commercial property the Town has. If the Town were to convert the subject property to residential, it would take away from the Town's limited inventory of non-residential zoned property, he stressed. With the development of the area with the hospital as a centerpiece, the property designated for non-residential would probably be more appropriate, he said.

Mr. Gilleece said he felt a mix of residential was suited to the property, especially with environmental features of the land. He asked that the Council defer action until a master plan of the property and the area could be formulated.

Council agreed that a master plan of the area would be beneficial.

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

Action: The Council approved a motion to defer action on the petition and directed the applicant to provide a master plan showing potential development of the area.

Motion By: VanFossen

Second By: Williams

Vote: Unanimous

6c. Public Hearing: Rezoning Petition 13-REZ-03 – Action on this item also was deferred.

Action: The Council approved a motion to defer action on the petition and directed the applicant to provide a master plan showing potential development of the area.

Motion By: Sack
Second By: VanFossen
Vote: Unanimous

6d. Public Hearing: Rezoning Petition 13-REZ-05 – Mr. Ryan said this rezoning petition originally came before the Town Council at the May 21 meeting. The applicant had proposed five conditions, one of which was not consistent with adopted Town policies (condition #5: there will be no connection to Gremar Drive.)

He said staff recommended denial of this application, and the Town Attorney recommended that the applicant submit a new petition for rezoning for staff to readvertise the request in order to remove the condition. The applicant has submitted an amended application to remove condition #5, the new list of conditions has been advertised in the newspaper, and notification was sent to adjacent property owners.

The amended petition request is to conditionally rezone several properties located along West Holly Springs Road, east of NC 55. The applicant is requesting to rezone the properties, encompassing approximately 16.838 acres, from R-10: Residential and R-15: Residential to R-MF-8 CU: Multifamily Residential Conditional Use.

Mr. Ryan said the petitioner has requested the following conditions be placed on the property:

1. The site will be developed to meet the permitted uses of the R-MF-8 zoning district with the exception of apartments, condominiums, and section A.2 (a-g).
2. A 20 foot undisturbed buffer will be maintained along the North and East boundaries (except for utilities/drainage).
3. An additional 10 foot buffer is to be added to the North and East property lines. This buffer may be disturbed if needed and re-vegetated.
4. Both the 10' buffer and 20' buffer should have an average Plant Unit Value of 75.

He said the zoning conditions are offered by the property owners to be placed on the property and are not required by the Town. A Conditional Use District allows the petitioner to place specific conditions on the property that are more restrictive than the minimum zoning regulations in the Town's Unified Development Ordinance. Once a petitioner has placed such conditions with the zoning map change request, they cannot be removed or modified to reduce the restriction. During the review and consideration process, the petitioner may add additional conditions or make the proposed conditions more restrictive; however, additional conditions or regulations cannot be added to the petition by Planning Board or Town Council, nor can either board request additional conditions.

Ms. Goodson addressed the Council to explain interconnectivity and the purpose of stub streets, which are intended to be extended.

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

Lisa Kater, 133 Gremar Drive – Ms. Kater opposes the rezoning, particularly because of the possibility of her street's being extended through to Holly Springs Road.

Kyron Connolly, 129 Gremar Drive – Mr. Connolly said the Town has an inventory of business properties and doesn't need any more. He asked the Council to consider that before taking a vote.

Hugh J. Gilleece, representing the applicant – Mr. Gilleece, who originally offered to have a condition that Gremar Drive would not be extended, explained that he was following Town policy regarding street interconnectivity. He added that the rezoning conditions have been modified to meet resident concerns as much as possible.

Pam Davison, 105 Ramshorn Ct. – Ms. Davison said neighbors oppose the application, not just because of Gremar Drive. She said residents oppose the rezoning because of a lack of compromise regarding increased buffer between single-family and multi-family residential. She said residents want more separation between the proposed multi-family product and their own homes.

She told Council she had a petition with more than 200 names on it of those who are opposed to the rezoning.

OakHall Resident – A resident spoke to oppose the application because he feels it would not be consistent with the Town's comprehensive plan. He said development of the property would have a significant impact on Oakhall and he asked how the conditions would be enforced.

Mathew Mueller, 176 Gremar Drive – Mr. Mueller read a letter from his wife opposing the application. She said in her letter she was disappointed in a rezoning change to multi-family. She wrote that existing multi-family development in town is mostly empty, not fully developed and looking bad. She said she does not want that kind of development near her home.

Lee Webb – Mr. Webb said his input had been addressed by other speakers and that he, too, was opposed to the rezoning.

John King, 208 Sawleaf Ct. – Mr. King said interconnectivity is not necessarily a good thing. He said he would hope the subject property would have its own pool.

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

Councilman Sack said the applicant is offering increased buffer in the rezoning conditions. He said Council is faced with honoring the rights of the owner of the property who envisions something different on his land and the desire of neighbors that the owner only be allowed to have woods on his property because they love the woods. He noted that Holly Springs Road is planned as a four- lane median-divided roadway that has been on the books for 20 years or more and it is very likely to develop. He said whether or not Gremar Drive is extended through the stub should be addressed at development plan for the site and not at rezoning.

Councilwoman Williams said, while she sympathizes with those who live near the property and how they would prefer the property to not develop, the fact is Holly Springs is growing and the development of property is part of that.

Councilwoman Lee said she would be looking the development plan for the property with the input of residents from the public hearing in mind.

Action #1: The Council approved a motion to accept the following statements as true: *"The requested zone map change from R-10: Residential and R-15: Residential to R-MF-8 CU: Multi-family Residential Conditional Use is consistent with The Vision Holly Springs Comprehensive Plan. The Future Land Use Plan Map indicates these properties as residential, which sets the maximum allowed density between 2 and 8 units per acre. The R-MF-8 CU: Multifamily Residential Conditional Use district limits density to 8 units per acre."*

Motion By: VanFossen

Second By: Sack

Vote: Unanimous

Action #2: The Council approved a motion to adopt ordinance 13-REZ-05 to approve and enact Zone Map Change Petition #13-REZ-05 to change the zoning of ± 16.83 acres of a portion of Wake County PIN #'s 0649646047, 0649644053, 0649633923, 0649631999, 0649641134, 0649641381, 0649641673, 0649548381, 0649547307, 0649547577, 0649547384, 0649547307 and 0649547307 from R-10 and R-15 to R-MF-8 CU: Multifamily Residential Conditional Use as submitted by Glenda S. Toppe & Associates with the following conditions offered by the petitioner:

1. The site will be developed to meet the permitted uses of the R-MF-8 zoning district with the exception of apartments, condominiums, and section A.2 (a-g).
2. A 20-foot undisturbed buffer will be maintained along the north and east boundaries (except for utilities/drainage).
3. An additional 10-foot buffer is to be added to the north and east property-lines. This buffer may be disturbed if needed and re-vegetated.
4. Both the 10-foot buffer and the 20-foot buffer should have an average plant unit value of 75.

Legal Description of the subject property is: Beginning at an existing iron pipe on the northern right of way of West Holly Springs Road (SR 1152) (Variable Width Public R/W), said point being North 62°20'45" West 3,332.89 feet from NCGS Survey Monument "HOLLY SPRINGS", said monument having NC grid coordinates (NAD 83 – 2001) of N=692,052.270, E=2,049,733.250, then

ce from said Beginning point with said right of way North 68°28'40" West 37.65 feet to a point, thence North 65°38'10" West 59.20 feet to a point, thence North 64°09'42" West 58.27 feet to a point, thence North 63°54'29" West 61.65 feet to a point, thence North 63°04'52" West 47.34 feet to a point, thence North 64°36'24" West 54.55 feet to a point, thence North 64°34'14" West 44.92 feet to a point, thence North 64°08'01" West 49.82 feet to a point, thence North 65°16'19" West 40.73 feet to a point, thence North 64°43'13" West 169.80 feet to an existing iron pipe, thence North 23°05'10" East 20.00 feet to an existing rebar, thence North 67°49'06" West 18.09 feet to a point, thence North 00°55'29" East 456.41 feet to a point, thence North 89°03'35" West 590.26 feet to a point, thence North 02°19'54" East 459.53 feet to a new iron pipe, thence South 88°40'57" East 880.38 feet to a new iron pipe, thence South 00°57'55" West 534.82 feet to an existing iron pipe, thence South 88°35'54" East 277.75 feet to an existing iron pipe, thence South 01°00'52" West 654.88 feet to the point and place of Beginning containing 16.838 acres more or less.

Motion By: VanFossen

Second By: Sack

Vote: Unanimous

A copy of Ordinance 13-REZ-05 is attached to these minutes.

7a. 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 Cobb and a unanimous vote. The following actions were affected:

7a. Minutes – The Council approved minutes of the Council's regular meeting held June 4, 2013.

7b. Budget Amendment Report – The Council received monthly report of amendments to the FY 2012-13 budget approved by the interim town manager. *A copy of the budget amendment report is attached to these minutes.*

7c. Resolution 13-24 – The Council adopted Resolution 13-24 supporting an application to the Local Government Commission for its approval of financing to fund the Town of Holly Springs's fiber optic network in an amount not to exceed \$1,500,000. *A copy of Resolution 13-24 is attached to these minutes.*

7d. Development Plans Extension, July 1, 2013 to Jan. 1, 2014 – The Council approved to extend the approvals for 07-DP-21: Twelve Oaks Phase 5; 08-DP-02: Bridgewater West Townhomes Phase 2; 08-DP-12: Shoppes at Woodcreek Phase III; and 04-MAS-09-A01: Beal Tract (The Villages of Bass Lake) from July 1, 2013 to Jan. 1, 2014.

7e. Town's Fiber Optic Network – The Council approved to allow CTC, Inc., to complete the scope of work, task 1, for the field engineering of the Town's fiber optic network.

7f. HVAC Contract – The Council approved to enter a two-year contract with Piedmont Service Group in the amount of \$23,100 for HVAC services for town facilities.

7g. Budget Amendment, \$335,000 – The Council adopted an amendment to the FY 2012-2013 budget in the amount of \$335,000 and enter into a contract with Reece Construction LLC in the amount of \$315,100 with an additional contingency of \$19,900, for the Jones and Womble Park playground installation. *A copy of the budget amendment is attached to these minutes.*

8a. Sunset Lake Road Sidewalk Project – Mr. Levitt said the construction drawings and contracts were issued to three contractors through the Town's informal bid process. Bids were received June 13 with Sandhills Contracting's being the apparent low bidder.

Mr. Levitt said the legal department is continuing efforts to acquire property for this project. Construction is expected to begin in July and be completed by November. The sidewalk will be constructed along Sunset Lake Road from Kenmont Drive to the Sunset Lake Commons (Harris Teeter) shopping center.

Action: The Council approved a motion to adopt an amendment to the FY 2013-14 budget in the amount of \$184,250 and to award the bid for construction of the Sunset Lake Road sidewalk to apparent low bidder Sandhills Contracting in a contract amount of \$160,219.87, plus 15% contingency.

Motion By: Williams
Second by: VanFossen
Vote: Unanimous.

8b. Sunset Lake Road Sidewalk Project – Ms. Parrish said the Town will be constructing the sidewalk along Sunset Lake Road from the Sunset Commons Shopping Center to Kenmont Drive this summer. There will be a pedestrian crosswalk at the intersection of Sunset Lake Road and Optimist Farm Road, and a pedestrian signal should be installed.

She said this request is an agreement in the amount of \$10,000 for the work N.C. Department of Transportation would have to do to get the signal installed.

She said in addition, funds are needed for easement acquisition for this sidewalk project in the amount of \$15,000. The enclosed budget amendments cover both the municipal agreement and land acquisition aspects of this project.

Action 1: The Council approved a motion to enter into a municipal agreement with NCDOT in the amount of \$10,000.

Motion By: Williams
Second by: Sack
Vote: Unanimous.

Action 2: The Council approved a motion to authorize \$15,000 for easement acquisition for the Sunset Lake Road sidewalk project.

Motion By: Williams
Second by: Cobb
Vote: Unanimous.

Action 3: The Council approved a motion to adopt amendments to the FY 2012-13 budget in the amount of \$25,000 to cover cost of the municipal agreement and land acquisition.

Motion By: Williams
Second by: Cobb
Vote: Unanimous

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

8c. Main Street Extension Project – Ms. Parrish said the environmental document process under the National Environmental Protection Action (NEPA) is completed for the Main Street Extension project. The next step is to have the final design, permitting and the right of way plats completed.

She said once the plats are completed the Town's legal department will obtain all of the necessary property to construct. Staff obtained a federal grant through the N.C. Department of Transportation for 80% of this step to be funded through federal funds and 20% to be funded through local contribution.

Ms. Parrish said staff conducted consultant selection per federal guidelines, and Kimley-Horn and Associates was selected.

She noted that the Town recently obtained a construction grant for the subsequent construction phase of the project that will be an 80/20 match. Construction is scheduled to start in 2014 and be completed in 2015.

She noted that the late Carl Dean was a moving force in this project that has provided \$7 million in federal funding.

Action: The Council approved a motion to adopt amendments to the FY 2012-13 budget and award a professional services contract to Kimley-Horn and Associates in the amount of \$689,000, inclusive of contingency, for final design, permitting and preparation of right of way plats for the Main Street Extension project.

Motion By: Sack
Second by: Cobb
Vote: Unanimous.

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

8d. Town's Annual Financial Audit Services – Ms. Hogan said requests for proposals were sent out for auditing services for the next three years. Of the proposals received, staff recommends hiring the firm of Petway, Mills & Pearson, CPAs for the next three years.

Action: The Council approved a motion to enter into a professional services agreement with Petway, Mills & Pearson, CPAs to conduct the Town's annual financial audit for this year with a contract that would be renewable for the next three years.

Motion By: Cobb

Second by: VanFossen

Vote: Unanimous.

8e. Parks and Recreation Advisory Committee Appointments – Mr. Bradley said the Parks and Recreation Citizen's Advisory Committee will have four vacancies June 30 when terms will expire for four existing members. He said after advertisement on the Town's website, the Parks and Recreation office has received 10 applications.

All four incumbents have applied for reappointment.

Mayor Sears said and some council members agreed that there is so much going on right now that a change in the board would not be good.

Councilwoman Lee said she didn't agree that new was not bad but she is happy with the incumbents.

Action: The Council approved a motion to reappoint Wanda Holloway, Jennifer Jones, Stephane Daniel and Kevin Adams to the Holly Springs Parks and Recreation Advisory Committee.

Motion By: Sack

Second by: VanFossen

Vote: Unanimous.

8f. North Main Athletic Complex, Phase 2 – Mr. Bradley said at the joint meeting of the Town Council and Parks and Recreation Advisory Committee, a presentation was made concerning the North Main Athletic Complex, its phases, funding and the partners associated with the operation of the park. The purpose of the presentation was to provide the appropriate information to allow a recommendation from the Advisory Committee and a vote by Council directing staff to continue moving forward or to discontinue the direction of planning the construction of phase II consisting of a multiple-sport stadium.

He said it is requested that this direction be given to staff. Should the vote be in favor of moving forward it will be necessary for the Council also to vote on the Creative Sports Memorandum of Understanding, the Withers and Ravenel proposal for design and the Convergent agreement for raising naming rights funds.

Peter Koutrapan, chairman of the Holly Springs Parks and Recreation Committee, addressed the Council. He said the committee is in support of Phase 2 of the complex; however, he pointed out that the committee also feels strongly that bond funds are cherished and should be protected and the facility will need to be a public facility where public recreation is offered (not private club.) He said the committee prefers to go forward with the lesser reliance on bond funding, which was approved by voters. He also urged the Council to consider including a Miracle League field.

Action: The Council approved a motion to direct staff to continue moving forward with development of an all-sports stadium as Phase 2 of the North Main Athletic Complex with anticipation of funding the project through existing bond and installment financing.

Motion By: VanFossen

Second by: Sack

Vote: Unanimous.

8g. All-Sports Stadium – Mr. Schifano said town staff has been in negotiations with the principals for a new Coastal Plains League baseball franchise over the past year. The Council received a presentation at its 2012 winter retreat from Peter Bock, who is the prospective franchise holder and team owner, who is also the president of the Coastal Plains League. Mr. Schifano said the agreement formalizes the commitment of both parties; however, it is not an actual lease or license to use the Town's facility, which is expected to be constructed by May 2015. He said the salient points to this MOU are:

- It is an agreement by the parties to enter into a licensing agreement which provides for exclusive use of a soon to be constructed 1,800-seat "All Sports Stadium."
- Provides a revenue stream of \$850,000 over 10 years in usage fees by the franchise
- Allows the company to use the facility approximately ¼ of the available time during the year for both its primary events (team games) and secondary events (other public events such as concerts, festivals, clinics, camps, tournaments and other events.)
- Allows the company to sell advertising and provide concessions at the stadium.
- Secures the performance to operate a team and provide a revenue stream by requiring the company to post a surety bond in the amount of \$850,000.

Action: The Council approved a motion to enter into Memorandum of Understanding with Creative Sports, LLC regarding the use of the All-Sports Stadium at the North Main Athletic Complex.

Motion By: Sack

Second by: Williams

Vote: Unanimous.

8h. Convergent Service Contract – Ms. Mizelle said that if the Council elects to proceed with development of the North Main Athletic Complex Phase 2 (the all-sports stadium,) then funding will be a key factor. The Council provided direction to move forward.

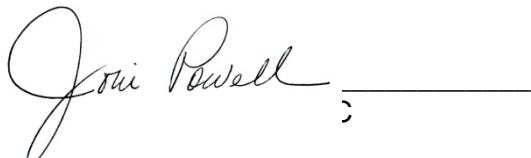
9. Other Business: Mayor Sears announced \$400,000 in state funds for the Holly Springs Business Park access road had been awarded; that July 5 will be held at Sugg Farm park; and that the southeast extension of I540 will now move forward.

10. Manager's Report: Mr. Simmons reported on a number of events and programs.

11. Closed Session: None.

12. Adjournment: There being no further business for the evening, the June 18, 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, Aug. 20, 2013.



These minutes follow and are a part of the official record.