



Holly Springs Town Council
Regular Meeting

July 16, 2013

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, July 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: 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; Jeff Jones, senior planner; Laura Holloman and Sean Ryan, planners I; Seann Byrd, public utilities director; Mary Hogan, finance director; John Herring, police chief; Stephanie Sudano, director of engineering; Kendra Parrish, senior engineer; Elizabeth Goodson, development review engineer; and Niki Litts, communications specialist.

Others Present: A quorum of the Planning Board was present for the purpose of having a joint public hearing with the Town Council on a Planned Unit Development amendment application.

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

4. Agenda Adjustment: The July 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 after Public Comment: 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: None.

6a. Public Hearing: Fiber Optic Network Installment Financing – Mr. Wilson said in order to borrow funds for the installation of a fiber optic network, the Town of Holly Springs must first obtain approval from the Local Government Commission. A step in that application process is to hold a public hearing to receive comments from citizens on the question of whether or not the town should seek installment financing (as opposed to other financing.)

He said following the public hearing, the Council is asked to adopt two resolutions.

Note that the Town intends to finance a portion of this project with one borrowing not to exceed \$1,500,000.

Mr. Wilson said having received financing terms from a number of different banks, staff recommends that the Council authorize the Town to enter into a loan agreement with PNC for \$1,500,000 for a period of 10 years at an annual interest rate of 1.97% for installation of a fiber optic network, pending approval of the LGC.

He said adoption of Resolution 13-31 setting out the financing terms would accomplish that recommendation.

Resolution 13-27, a reimbursement resolution that would allow the Town to reimburse itself from installment financing proceeds for any expenditures on the project prior to the loan's closing, also was presented for adoption.

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 Resolution 13-31 approving financing terms and authorizing the Town to enter into loan agreement with PNC for \$1,500,000 for a period of 10 years at an annual interest rate of 1.97% for installation of a fiber optic network, pending approval of the LGC.

Motion By: Sack

Second By: Cobb

Vote: Unanimous

A copy of Resolution 13-31 is attached to these minutes.

Action #2: The Council approved a motion to adopt Resolution 13-27, a reimbursement resolution authorizing the Town to reimburse itself for expenditures in the fiber optic network project prior to the loan's closing.

Motion By: Cobb

Second By: Williams

Vote: Unanimous

A copy of Resolution 13-27 is attached to these minutes.

6b. Public Hearings: Ordinance 13-07, UDO Amendment 13-UDO-04 – Mr. Jones said staff has prepared amendments to the Town's current sign regulations in response to concerns from both internal enforcement and external concerns addressed by the business community. Since 2002 when the Unified Development Ordinance was adopted, section 7.03 has had one major rewrite in 2006. Since this time the Town has had major growth in commercial establishments, and with this growth staff feels the UDO is ready to evolve with new language.

He said included with this amendment would be changes to master sign plans, permanent signs, and temporary signs. Additionally, Staff is making recommendations to modify 9.05 to clarify what constitutes major and minor amendments to master sign plans; 9.09 to add review and determination authorities for master sign plans; and 11.02 to remove a definition of the term "special event" that would be eliminated with this amendment.

He said the Planning Board discussed the following at its June 25 meeting: suggested changes give flexibility to allow for businesses to advertise and keep the town free of sign congestion. The planning board recommends approval of the changes, following a 6-1-1 vote.

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 accept the following statement as true: "*The requested UDO Text Amendment is consistent with the Vision Holly Springs Comprehensive Plan: Executive Summary in regard to "Using the Plan to Implement the Town's Vision" and "Adopting and Implementing the Plan;" and Section 1: Future Land Use "Objectives." 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: VanFossen
Vote: Unanimous

Action#2: The Council approved a motion to adopt Ordinance #13-07 approving and enacting UDO Text Amendment #13-UDO-04 to modify the text of UDO Section(s) 7.03, 9.05, 9.09 & 11.02 as submitted by The Town of Holly Springs.

Motion By: Williams
Second By: Cobb
Vote: Unanimous

A copy of Ordinance 13-07 is attached to these minutes.

6c. Public Hearing: Rezoning Petition 12-REZ-06 – Ms. Holloman said the Town has initiated a request for a zone map change for property along the eastern side of G.B. Alford Highway and west side of N. Main Street. The Town is requesting to rezone the property from LB: Local Business Limited to CB: Community Business. The parcel currently is vacant and is approximately 42.28 acres in size. This site will be the eventual home of the North Main Athletic Complex and will feature athletic opportunities such as tennis, soccer and baseball in subsequent phases.

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 accept the following statement as being true: *“The requested zone map change from LB: Local Business Limited to CB: Community Business is consistent with the Vision Holly Springs Comprehensive Growth Plan since the Future Land Use Plan Map indicates this property as Mixed Use and the CB: Community Business District allows for civic, commercial, retail, and office development.”*

Motion By: Sack
Second By: Cobb
Vote: Unanimous

Action #2: The Council approved a motion to adopt ordinance 12-REZ-06 to approve and enact Zone Map Change #12-REZ-06 to change the zoning of 42.28 acres of Wake County PIN # 0649882114 from LB: Local Business Limited and CB: Community Business as submitted by the Town of Holly Springs.

Motion By: Cobb
Second By: VanFossen
Vote: Unanimous

A copy of Rezoning Ordinance 12-REZ-06 is attached to these minutes.

6d. Public Hearing: Special Exception Use 12-SEU-05 and Development Plan 13-DP-02, North Main Athletic Complex – Ms. Holloman said the Town has initiated a request for an athletic complex situated on 42.28 acres along N. Main Street and G.B. Alford Highway. Under the Community Business District, public recreation uses such as community centers, athletic stadiums, public parks and so forth are Special Exception Uses and therefore are required to go through the associated required approval process.

She said Phase 1 of the N. Main Athletic Complex would feature two regulation size artificial turf soccer fields that would allow for multiple youth fields, nine tennis courts as well as associated parking areas. Phase 2 of the complex would incorporate a multi-sport athletic stadium as well as a miracle league athletic field.

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

Bill Russeau – Mr. Russeau owns the property across N.C. Hwy. 55 from the site. He said reducing the setbacks is a harmless accommodation; however, he said he wondered if the Town would be so accommodating to a private investor. He said he was pleased about the plans for the complex but he said he felt the Town should treat itself like it would a private investor.

Len Bradley – Mr. Bradley addressed the Council to say the project would enhance the Town's ability to offer recreational programs and facilities to citizens.

Councilwoman Lee said she wanted to clarify misinformation she had heard that the Coastal Plain League and the Wake Futball Club would monopolize the use of the fields. She said the fields would be used for Town programs 75% of the time.

Mr. Bradley agreed.

She also noted criticism she had heard about how the stadium supposedly would be used just for baseball.

Mr. Bradley said that was not true. He said the stadium is being designed as a multi-sport athletic facility and will be used not only for other sports but for other events, like concerts.

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

Action #1: The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for Special Exception Use Petition #12-SEU-05 for North Main Athletic Complex to allow for Athletic Field – Public; Community Center; Public Park; Public Recreation Development; Recreation Center in the CB: Community Business District as submitted by the Town of Holly Springs.

Special Exception Use Findings of Fact:

A special exception use may only be granted upon the presentation of sufficient evidence to enable a written determination that:

- a. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
- b. The proposed use will not injure or adversely affect the adjacent area;
- c. The proposed use will be consistent with the character of the district, land uses authorized therein, and the Town of Holly Springs Comprehensive Plan;
- d. The proposed use shall conform to all development standards of the applicable district (unless a waiver of such development standards is requested as part of the special exception use petition and approved as set forth above, in which case the proposed use shall conform to the terms and conditions of such waiver).
- e. Access drives or driveways are or will be sufficient in size and properly located to: ensure automotive and pedestrian safety and convenience, traffic flow as set forth in Section 7.09 – Pedestrian Circulation and Vehicular Area Design; and, control and access in case of fire or other emergency;
- f. Off-street parking areas, off-street loading areas, trash enclosures, trash pick-up and removal, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties and properties in the general neighborhood;
- g. The lot, building or structure proposed for the use has adequate restroom facilities, cooking facilities, safety equipment (smoke alarms, floatation devices, etc.), or any other service or equipment necessary to provide for the needs of those persons whom may work at, visit or own property nearby to the proposed use;
- h. Utilities, schools, fire, police and other necessary public and private facilities and services will be adequate to handle the needs of the proposed use;
- i. The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts; and,

j. The type, size, and intensity of the proposed use (including but not limited to such considerations as the hours of operation and numbers of people who are likely to utilize or be attracted to the use) will not have significant adverse impacts on adjoining properties or the neighborhood.

Motion By: VanFossen

Second By: Williams, Sack, Lee, Cobb

Vote: Unanimous

A copy of Special Exception Use Petition 12-SEU-05 addressing the findings of fact is attached to these minutes.

Action #2: Having made necessary findings of fact, the Council approved a motion to approve Special Exception Use Petition #12-SEU-05 for North Main Athletic Complex as submitted by the Town of Holly Springs with the following condition:

1. Operations must adhere to the evidence submitted by the applicant as stated in the findings of fact submitted in conjunction with 12-SEU-05.

Motion By: VanFossen

Second By: Cobb

Vote: Unanimous

Action #3: The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for a variance from the Unified Development Ordinance Section 3.05, B. 2. a. Development Standards to allow for the reduction of the collector setback to 0' feet along the access road in association with Special Exception Use #12-SEU-05 N. Main Athletic Complex as submitted by the Town of Holly Springs.

A variance may be granted by the Council if competent and substantial evidence is presented by the applicant which persuades the Council to either reach each of the following conclusions independently or be reasonably able to meet these conclusions upon implementation of conditions by the Council:

1. There are practical difficulties or unnecessary hardships that would result from carrying out the strict letter of the UDO. The Board may reach this conclusion if it finds each of the following:
 - a. Based on the size, shape, topography, location, or surroundings, the applicant is prohibited from enjoying the same privileges as other properties in the vicinity and zoning classification in which the property is situated when the UDO is strictly applied;
 - b. The hardship of which the applicant complains results from unique circumstances related to the applicant's property;
 - c. The hardship results from the application of the UDO to the property;
 - d. The hardship is not the result of the applicant's own actions; and,
 - e. The variance if granted must be the absolute minimum needed in order to correct the hardship.
2. The variance is in harmony with the general purpose and intent of the UDO and preserves its spirit.
3. Granting the variance assures the public safety and welfare and does substantial justice.

Motion By: Williams

Second By: Cobb

Vote: Unanimous

A copy of the variance application addressing the findings of fact is attached to these minutes.

Action #4: Having made findings of fact that the petition meets the requirements to be granted a variance, the Council approved a motion to grant a variance from UDO Section 3.05, B.

2. a. Development Standards to allow for a reduction of the collector setback to 0 feet along the access road in association with Special Exception Use #12-SEU-05 N. Main Athletic Complex as submitted by the Town of Holly Springs.

Motion By: Cobb

Second By: VanFosser

Vote: Unanimous

Action #5: The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for a variance from the Unified Development Ordinance Section 3.05, B. 2. a. Development Standards to allow for the reduction of the major thoroughfare setback from 50 to 20 feet along N. Main Street in association with Special Exception Use #12-SEU-05 N. Main Athletic Complex as submitted by the Town of Holly Springs.

A variance may be granted by the Board if competent and substantial evidence is presented by the applicant which persuades the Board to either reach each of the following conclusions independently or be reasonably able to meet these conclusions upon implementation of conditions by the Board:

1. There are practical difficulties or unnecessary hardships that would result from carrying out the strict letter of the UDO. The Board may reach this conclusion if it finds each of the following:
 - a. Based on the size, shape, topography, location, or surroundings, the applicant is prohibited from enjoying the same privileges as other properties in the vicinity and zoning classification in which the property is situated when the UDO is strictly applied;
 - b. The hardship of which the applicant complains results from unique circumstances related to the applicant's property;
 - c. The hardship results from the application of the UDO to the property;
 - d. The hardship is not the result of the applicant's own actions; and,
 - e. The variance if granted must be the absolute minimum needed in order to correct the hardship.
2. The variance is in harmony with the general purpose and intent of the UDO and preserves its spirit.
3. Granting the variance assures the public safety and welfare and does substantial justice.

Motion By: Lee

Second By: Cobb

Vote: Unanimous

A copy of the variance application addressing the findings of fact is attached to these minutes.

Action #6: Having made findings of fact that the petition meets the requirements to be granted a variance, the Council approved a motion to grant a variance from UDO Section 3.05, B. 2. a. Development Standards to allow for the reduction of the major thoroughfare setback from 50 to 20 feet along N. Main Street in association with Special Exception Use #12-SEU-05 N. Main Athletic Complex as submitted by the Town of Holly Springs.

Motion By: VanFosser

Second By: Lee

Vote: Unanimous

Action #7: The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for a variance from the Unified Development Ordinance Section 3.05, B. 2. a. Development Standards to allow for a reduction of the major thoroughfare setback from 50 to 30 feet along G.B. Alford Highway in association with Special Exception Use #12-SEU-05 N. Main Athletic Complex as submitted by the Town of Holly Springs.

A variance may be granted by the Board if competent and substantial evidence is presented by the applicant which persuades the Board to either reach each of the following conclusions independently or be reasonably able to meet these conclusions upon implementation of conditions by the Board:

1. There are practical difficulties or unnecessary hardships that would result from carrying out the strict letter of the UDO. The Board may reach this conclusion if it finds each of the following:
 - a. Based on the size, shape, topography, location, or surroundings, the applicant is prohibited from enjoying the same privileges as other properties in the vicinity and zoning classification in which the property is situated when the UDO is strictly applied;
 - b. The hardship of which the applicant complains results from unique circumstances related to the applicant's property;
 - c. The hardship results from the application of the UDO to the property;
 - d. The hardship is not the result of the applicant's own actions; and,
 - e. The variance if granted must be the absolute minimum needed in order to correct the hardship.
2. The variance is in harmony with the general purpose and intent of the UDO and preserves its spirit.
3. Granting the variance assures the public safety and welfare and does substantial justice.

Motion By: Sack

Second By: Cobb

Vote: Unanimous

A copy of the variance application addressing the findings of fact is attached to these minutes.

Action #8: Having made findings of fact that the petition meets the requirements to be granted a variance, motion to grant variance from UDO Section 3.05, B. 2. a. Development Standards to allow for the reduction of the major thoroughfare setback from 50 to 30 feet along G.B. Alford Highway in association with Special Exception Use #12-SEU-05 N. Main Athletic Complex as submitted by the Town of Holly Springs.

Motion By: Williams

Second By: VanFosson

Vote: Unanimous

Action #9: The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for a variance from the Unified Development Ordinance Section 3.05 B. 4. to allow athletic stadiums to exceed maximum building height of 55 feet in association with #12-SEU-05 N. Main Athletic Complex as submitted by the Town of Holly Springs.

A variance may be granted by the Board if competent and substantial evidence is presented by the applicant which persuades the Board to either reach each of the following conclusions independently or be reasonably able to meet these conclusions upon implementation of conditions by the Board:

1. There are practical difficulties or unnecessary hardships that would result from carrying out the strict letter of the UDO. The Board may reach this conclusion if it finds each of the following:
 - a. Based on the size, shape, topography, location, or surroundings, the applicant is prohibited from enjoying the same privileges as other properties in the vicinity and zoning classification in which the property is situated when the UDO is strictly applied;
 - b. The hardship of which the applicant complains results from unique circumstances related to the applicant's property;

- c. The hardship results from the application of the UDO to the property;
- d. The hardship is not the result of the applicant's own actions; and,
- e. The variance if granted must be the absolute minimum needed in order to correct the hardship.

2. The variance is in harmony with the general purpose and intent of the UDO and preserves its spirit.

3. Granting the variance assures the public safety and welfare and does substantial justice.

Motion By: Cobb

Second By: VanFosser

Vote: Unanimous

A copy of the variance application addressing the findings of fact is attached to these minutes.

Action #10: Having made findings of fact that the petition meets the requirements to be granted a variance, the Council approved a motion to grant a variance from UDO Section 3.05 B. 4. to allow athletic stadiums to exceed maximum building height of 55 feet in association with #12-SEU-05 N. Main Athletic Complex as submitted by the Town of Holly Springs.

Motion By: Lee

Second By: Cobb

Vote: Unanimous

Action #11: The Council approved a motion to approve Development Plan Petition #13-DP-02 for North Main Athletic Complex as submitted by Withers & Ravenel, Inc., Project Number 02130012, dated Revised July 1, 2013 with the following conditions:

- 1) Within 10 days of development plan approval, the designer shall submit a revised lighting plan as necessary to include the athletic field lighting to the Department of Planning & Zoning for review. If it is determined the revised lighting plan exceeds maximum light levels it will be required to go through a formal waiver process and subsequent Town Council approval.
- 2) This project will be required to meet Town's NPDES Phase II Post Construction Stormwater ordinance.
- 3) The thoroughfare connection to NC55 Bypass will require NCDOT C/A level approval for the access to NC55 Bypass and accompanying super streets. Provide documentation of this approval as soon as possible.
- 4) Decorative monocurve mast arm signal will be required at the time the traffic signal is warranted.
- 5) This site is located in the Town's reclaimed water service area and will be required to install a reclaimed distribution network and use reclaimed water to meet irrigation and other non-potable needs. At the time of approval, this project proposes no irrigation uses however if there are irrigation needs in the future, this site will be required to connect to reclaim water lines for the irrigation system.
- 6) Prior to construction drawing approval, the following items must be addressed:
 - a. Thoroughfares, collectors and boulevards will require a calculated pavement design with 1st construction drawing submittal. This may result in a pavement cross section bigger than the specified minimum.
 - b. 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.
 - c. Offsite right-of-way must be dedicated for this project.
 - d. Show a cross-access easement along the service drive for Phase 2 to allow for future cross-access.

- e. Provide draft PCN with all supporting documentation including but not limited to buffer determinations and projected location and impacts to jurisdictional features for the entire project. Provide document once it becomes available.
- f. All environmental permits must be obtained prior to construction drawing approval and/or issuance of a land disturbance permit for the entire project.
- g. Provide an update on the discussion with Duke Energy Progress about the second entrance for the main parking lot to the side service road.
- h. Show an easement for the future waterline connection from the proposed thoroughfare on the Holly Springs Towne Center project to the existing waterline on Muses Mill Court.
- i. A land Disturbance Permit from NCDEMLR is required.
- j. Payment of the Stormwater Fee-in-Lieu will be required.

Motion By: Sack

Second By: Cobb, Lee, VanFossen, Williams

Vote: Unanimous

At this time, Councilman VanFossen asked to be excused.

Action: The Council approved a motion to excuse Councilman VanFossen from the meeting, citing his direct involvement with the subject of the next item of business on the agenda.

Motion By: Sack

Second By: Williams

Vote: Unanimous

6e. Public Hearing: Rezoning Petition 13-REZ-06 – Mr. Ryan said the Town has received a request for a zone map change for three properties totaling 1.31 acres located near the intersection of Sunset Lake Road and Holly Springs Road. The applicant is requesting to rezone the properties from R-20: Residential to LB: Local Business. One of the parcels is used as a single-family residence and the other two parcels are vacant. The properties are located within the Northeast Gateway Area Plan and the requested LB: Local Business zoning district is consistent with the Business land use designation.

He said a neighborhood meeting with abutting property owners for this rezoning was held on May 31.

He said the Planning Board discussed the following issues at its meeting on May 28:

- a nearby stream and how the stream buffer may impact a potential project on the site.
- access to the site. It was determined that Holly Springs Road was to be median divided and access to the site would be right-in/right-out. The vote was 6-0-2 for approval.

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 accept the following statement as true: *“The requested zone map change from R-20: Residential to LB: Local Business is consistent with the Vision Holly Springs Comprehensive Growth Plan and Northeast Gateway Area Plan since the Future Land Use Plan Map indicates these properties as Business, and the LB: Local Business district allows for commercial, retail and office development.”*

Motion By: Sack

Second By: Williams

Vote: Unanimous

Action #2: The Council approved a motion to adopt ordinance 13-REZ-06 to approve and enact Zone Map Change Petition #13-REZ-06 to change the zoning of 1.31 acres of Wake County PIN # 0659989433, 0659989315, and 0659989223 from R-20: Residential to LB: Local Business as

requested by Thompson & Associates.

Motion By: Williams

Second By: Cobb

Vote: Unanimous

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

At this time, the Council readmitted Councilman VanFossen into the meeting.

Action: The Council approved a motion to readmit Councilman VanFossen into the meeting.

Motion By: Sack

Second By: Cobb

Vote: Unanimous

6f. Joint Public Hearing: Major Amendment 03-PUD-01-A07, Twelve Oaks – Ms. Holloman said the Town has received a request to amend the Twelve Oaks Planned Unit Development to incorporate an existing ± 13.07-acre parcel located near the entrance to the subdivision. The subject parcel is surrounded on all sides by the 12 Oaks subdivision and has significant frontage along New Hill Road. There are no associated development changes with this amendment, Ms. Holloman said, adding that the newly acquired land would be subject to the same PUD development criteria and standards as the existing land within Twelve Oaks.

She said this is a joint public hearing before the Town Council and the Planning Board. No action will be required as the amendment will be forwarded to the planning board for review and recommendation.

A Planned Unit Development District is utilized to create a unified development and set forth a unique set of zoning regulations for the development therefore, a detailed site plan is not provided, only the dimensional and “zoning” standards for each area.

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: The Council approved a motion to forward Planned Unit Development Amendment #03-PUD-01-A07 for Twelve Oaks PUD to the Holly Springs Planning Board for review and recommendation.

Motion By: Sack

Second By: VanFossen

Vote: Unanimous

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 VanFossen and a unanimous vote. The following actions were affected:

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

7b. Resolution 13-25 – The Council adopted Resolution 13-25 to direct the town clerk to investigate the sufficiency of annexation petition A13-07 and setting a public hearing on the question of annexation for Tuesday, Aug. 6, 2013. *A copy of Resolution 13-25 is attached to these minutes.*

7c. Resolution 13-26 - The Council adopted Resolution 13-26 to direct the town clerk to investigate the sufficiency of annexation petition A13-08 and setting a public hearing on the question of annexation for Tuesday, Aug. 6, 2013. *A copy of Resolution 13-26 is attached to these minutes.*

7d. Volunteer Background Check Policy - The Council approved a volunteer background check policy as submitted by the Parks and Recreation department.

7e. Extend Expiring Plan Approvals – The Council approved to extend expiring plan approvals to Jan. 1, 2014.

7f. Jordan Partnership Supplemental Article No. 5 – The Council approved to enter into Jordan Partnership Supplemental Article No. 5 for additional hydraulic modeling in the amount of \$20,476.

7g. Jordan Partnership Supplemental Article No. 6 – The Council approved to enter into Jordan Partnership Supplemental Article No. 6 in the amount of \$1,522.

7h. Contract Solicit Naming Rights For North Main Athletic Complex– The Council approved to enter into a contract with Convergent Nonprofit Solutions to solicit naming rights for the North Main Athletic Complex, the amount not to exceed \$30,000.

7i. NC Governor's Highway Safety Program Grant – The Council adopted Resolution 13-30 authorizing submission of a NC Governor's Highway Safety Program grant application and budget amendment. *Copies of Resolution 13-30 and the budget amendment are attached to these minutes.*

7j. Account Updating Policy – The Council approved a new policy to allow registration account updating in CLASS software.

8a. Earp Street and Middle Creek Force Main Project – Ms. Parrish said that Diehl & Phillips, PA previously was hired to evaluate the capacities and future flow projections for the Bass Lake, Middle Creek, and Sunset Ridge pump stations for the Town of Holly Springs. She said this request is for approval of a proposal for additional engineering design by Diehl and Phillips results from their recommendations in the study.

Ms. Parrish reviewed the following with the Council:

New Earp Street Force Main: The existing force mains from the Bass Lake and Sunset Ridge pump stations join together at the intersection of Bass Lake Road and Earp Street, and continue as a single force main along Earp Street from Bass Lake Road to the Ballenridge Outfall at Blalock Street. Diehl and Phillips recommended separating these two forcemain by constructing a parallel forcemain along Earp St. This would increase capacity of both the Bass Lake and Sunset Ridge pump stations, which are nearing capacity from continuing development, and provide operational benefits as well. (In addition, a future planned eastern regional pumping station would use this new section of forcemain when the station is constructed within the next five or so years). The new forcemain is proposed within the existing Earp Street right of way and would be approximately 5,200 feet long.

Upgraded Middle Creek Force Main: In addition to the Earp Street parallel forcemain, Diehl & Phillips identified pumping capacity problems in the Middle Creek pump station. Recent residential development in the Middle Creek Basin has increased peak flow rates into this pump station nearing its rated peak flow capacity. The Middle Creek pump station pumps to the Sunset Ridge pump station. A new and larger diameter force main is proposed from the Middle Creek pump station that would discharge into the Sunset Ridge pump station. The larger diameter force main significantly would increase/upgrade the pumping capacity of the Middle Creek pump station to handle continued new development.

Ms. Parrish said the installation of the new force main for the Middle Creek pump station would involve some difficult construction conditions possibly along existing residential streets and developed areas, as well as a crossing of Middle Creek. There are several potential routes that could be selected which would be evaluated with this contract. Once the route is selected Diehl and Phillips would complete the final design for this new forcemain.

Ms. Parrish said that additional design expenses are possible if it is found that the existing force main along Earp Street needs to be replaced (it is being studied); in addition, once it is determined how many easements would be required, there would be additional costs associated

with easement plat preparation as well.

Action: The Council approved a motion to adopt a budget amendment and to enter into a contract with Diehl & Phillips, PA for the Earp Street and Middle Creek Force Main project in the amount of \$353,000 (including contingency).

Motion By: Cobb

Second by: Williams

Vote: Unanimous.

Copies of the budget amendments are attached to these minutes.

8b. 2013 Street Improvement Project Bid Award – Ms. Sudano said that sealed bids were received by the Town on June 28 for the 2013 Street Improvements Project. This annual project includes work associated with repairs to multiple streets (resurfacing, patching and curb and gutter.) She said approximate quantities include 35,000 Square yards of resurfacing; 11,000 square yards of patching; and 100 linear feet of curb and gutter. All Town streets are ranked annually by condition, and the worst streets (streets most in need of repair) are included in the project.

The low bidder was Turner Asphalt with a bid of \$545,120.25. The Town has worked with Turner in the past and looks forward to working with them again on this project, she said.

Ms. Sudano said that the budget for this project was \$750,000. Bids received were very good, and so this will allow the Town to get more needed repairs on the Town's street system completed. Staff will be recommending execution of a change order with the contractor to add additional streets in the near future.

Action: The Council approved a motion to award the construction bid to Turner Asphalt in the amount of \$545,120.25 plus contingency for a total of \$600,000 for the 2013 Street Improvement project.

Motion By: VanFossen

Second by: Cobb

Vote: Unanimous.

8c. 2013 Street Improvement Project Inspection Contract – Ms. Sudano said the Town is contracting with the design engineer Withers and Ravenel on this project for inspections. She said this request is a proposal for work in the amount of \$32,750 for the 2013 Street Improvement project.

Due to the increased volume of both private and town development projects, the engineering department development inspector workload has increased tremendously. This requires outsourcing of some inspections. Due to this increase and the amount of streets to be resurfaced/repaired for the 2012 Street Improvement Phase II contract, the need to outsource this project's inspections is necessary.

Action: The Council approved a motion to approve entering a contract with Withers and Ravenel for inspections in the amount of \$32,750 for the 2013 Street Improvement project.

Motion By: Cobb

Second by: Sack

Vote: Unanimous.

8d. West Holly Springs Road Sidewalk Project – Mr. Schifano said there are three property owners who were unresponsive during voluntary acquisition attempts for sidewalk easements relating to the West Holly Springs Road sidewalk project. Voluntary acquisition attempts still will continue he said; however, the property owner's unresponsiveness cannot hold up the project, so a lawsuit will be filed to involuntary acquire the area along side of the road in which the sidewalk will be placed. Both lots currently are vacant with no structures on the property. The listed owners and properties are: George Anthony Ward, 234 West Holly Springs Road; and "Unknown" c/o Norm Leger, 218 West Holly Springs Road.

Action: The Council approved a motion to adopt Resolution 13-29 to authorize eminent domain proceedings on properties located along West Holly Springs Road for the sidewalk project.

Motion By: Lee

Second by: Sack

Vote: Unanimous.

A copy of Resolution 13-29 is attached to these minutes.

8e. Utley Creek Water Reclamation Facility Dewatering Upgrade – Mr. Byrd said the Utley Creek water reclamation facility biosolids output has outgrown its liquid storage tank capacity and needs to convert its liquid residuals into a drier, solid form. This conversion from liquid state to solid state will dramatically increase the available storage volume on site. Operating costs with this unit would be lower because of reduced volume of haulable material and reduced frequency of hauls to land application sites.

Action: The Council approved a motion to award a contract to plan, design and construct the Utley Creek Water Reclamation Facility Dewatering Upgrade to Davis, Martin, and Powell for \$29,260 including contingency (original contract amount is \$26,600.)

Motion By: VanFossen

Second by: Cobb

Vote: Unanimous.

8f. North Main Athletic Complex Phase 2 – Mr. Bradley said this request is to consider to enter into a contract with Withers & Ravenel for the design of Phase 2 of the North Main Athletic Complex. This contract would be in the amount of \$649,800 and would include design of the all-sports stadium, geotechnical investigation, analysis, project administration, bid process, permitting, plans/construction drawings, stormwater, post construction and post construction services. He said the schedule includes a slated construction completion of April 6, 2015.

Action: The Council approved a motion to enter a contract with Withers & Ravenel for the design of Phase 2 of the North Main Athletic Complex in the amount of \$649,800.

Motion By: Sack

Second by: VanFossen

Vote: Unanimous.

8g. Jones Park, 18-Hole Disc Golf Course – Mr. Bradley said staff proposes that the Town enter into an agreement with the Cary Area Disc League to help in design, implementation and use of the 18-hole disc golf course at Jones Park.

Action: The Council approved a motion to enter into an agreement with The Cary Area Disc League for design, implementation and use of the 18-hole disc golf course at Jones Park.

Motion By: Williams

Second by: Sack

Vote: Unanimous.

8h. Parks And Recreation Bus Transportation – Mr. Weeks said Town staff has been working on an proposal for purchasing/chartering of transportation for Parks and Recreation trips. He said at this point staff recommendation will consist of a combination of chartering transportation for longer, overnight trips and purchasing new transportation for shorter, day trips. Council agreed with staff's recommendation.

Action: The Council approved a motion to endorse the concept for purchasing/chartering of transportation for Parks and Recreation trips.

Motion By: Sack

Second by: Cobb

Vote: Unanimous.

9. Other Business: Councilwoman Williams reported that the community donated gift cards and cash in a program organized by the General Federation Women's Club for the Operation Coming Home recipient Cpl. Stanton.

Councilman Sack suggested a pedestrian Yield sign at Center Street at Main.

Councilman VanFossen lauded the fire department for reviving a dog at a house fire scene with a pet resuscitation apparatus donated by the Women's Club.

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

11. Closed Session: The Council approved a motion to enter Closed Session, pursuant to North Carolina General Statute 143-318.11(a)(6) to discuss matters relating to potential candidates for the position of town manager.

Motion By: Sack

Second By: VanFossen

Vote: Unanimous

General Account of Closed Session – July 16, 2013.

In general, Mayor Sears discussed with the council members potential candidates for the position of town manager.

The Town Council discussed a list of approximately 15 potential candidates from information provided by the human resources director which was supplied to each councilperson. Each councilperson rank ordered the candidates and four candidates received a plurality of votes. It was decided by consensus that those four would be interviewed by the full council in executive session at their next regularly scheduled meeting on Aug. 20, 2013.

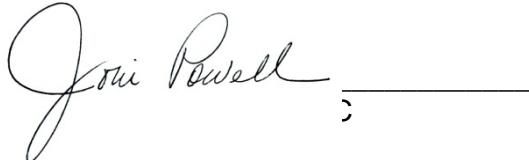
No further action was made in closed session.

The Council approved a motion to return to open session. The motion was made by Councilman VanFossen and seconded by Councilman Cobb, and the vote was unanimous.

-- ***End of General Account***

12. Adjournment: There being no further business for the evening, the July 16, 2013 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. 3, 2013.



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