



Holly Springs Town Council  
Regular Meeting

**August 20, 2013**

**MINUTES**

The Holly Springs Town Council met in regular session on Tuesday, August 20, 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; Jeff Wilson, information technology director; Len Bradley, parks and recreation director; Gina Clapp, planning director; Mary Hogan, finance director; Leroy Smith, fire chief; Daniel Weeks, project analyst; 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; and Mark Andrews, public information officer.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Kelly Logue of Holly Springs United Methodist Church. Rev. Logue also noted that former Holly Springs Mayor Sylvian Brooks, 95, passed away earlier in the day and funeral services are scheduled for Friday, Aug. 23 at the Methodist Church.

**4. Agenda Adjustment:** The Aug. 20, 2013 meeting agenda was adopted with changes, if any, as listed below.

**Motion By:** Sack

**Second By:** Cobb

**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: None.

**6a. Environmental Awareness Proposal** – Ms. Julia Westmoreland, 12, said that she would like to share an idea to raise environmental awareness. She would like to hold a communitywide contest in which residents would make homemade bird houses and frog houses. The best ones, she suggests, could be winners and displayed publicly. Council was supportive of Julia's idea and agreed that Turtle Fest at Bass Lake Park in May would be a good event at which to conduct such a contest.

**Action:** None.

**7a. 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. This request involves approximately 60.81 acres of an 80.4-acre parcel and all 10.2 acres of an adjacent parcel.

He said this request previously was before the Council at the June 18 meeting. At that meeting, Council discussed a concern that approving the request would result in a loss of land for commercial development. It was suggested by council that the area may need to be master planned in order to show how residential uses could be incorporated into the entire Southern Gateway area and the impacts of environmental features as stated by the applicant.

He said staff met on several occasions after the council meeting to further discuss the Comprehensive Plan amendment request and analyze the entire Southern Gateway Plan. While staff believes that a more detailed study and analysis of the land use patterns, environmental features, transportation networks, and other factors of the Southern Gateway Plan will need to be completed in the immediate future, staff has determined that several natural features exist on the property which would better suit residential development, including steep slopes and two streams. These areas, which would require buffers if the property were developed, reduce visibility from Highway 55 and tend to favor residential development. Furthermore, with the planned Main Street Extension, staff believes that better opportunities exist along the new roadway which will provide better visibility and access for commercial development rather than the current residential designation.

Mr. Ryan said that staff has asked the applicant to create a master plan for the entire area south of Ralph Stephens Road adjacent to Highway 55. While the applicant has elected not to go through the standard approval process for a master plan, they have submitted a “plan” for the area that has not officially been submitted for review or evaluation.

Councilman Sack said his initial concerns about a loss of commercial property were addressed by the information regarding the environmental features of the property.

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

Hugh J. Gilleece, Cary – Mr. Gilleece, representing the applicant, said he was available if there were any questions.

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

**Action:** The Council approved a motion to adopt Resolution #13-08 approving Comprehensive Plan Amendment request #13-CPA-02 to change the Vision Holly Springs Comprehensive Plan Southern Gateway future land use designation of Wake County PIN # 065803133419 and 60.81 acres of a portion of Wake County PIN # 0658034571, as described in the resolution and recorded in the minutes, from Commercial to Mixed Residential, as requested by Glenda S. Toppe & Associates.

**Motion By:** Williams

**Second By:** Cobb

**Vote:** Unanimous

*A copy of Resolution 13-08 is attached to these minutes.*

**7b. Public Hearing: Rezoning Petition 13-REZ-03** – Mr. Ryan said this request previously was before the Council at the June 18 meeting. At that meeting, Council discussed concerns regarding the accompanying comprehensive plan amendment request would result in a loss of land for commercial development. Subsequently, the Council tabled the rezoning item for further evaluation and discussion of the comprehensive plan amendment prior to acting on the zoning map amendment.

He said the request is for a zone map change for two properties located along Little Mocassin Lane, south of Ralph Stephens Road. The applicant is requesting to rezone the properties from CB: Community Business to R-8 CU: Residential Conditional Use. The request is to rezone approximately 60.81 acres of an 80.4 acre parcel and all 10.2 acres of an adjacent parcel. The parcels currently are being used for agricultural and rural residential purposes. The properties

are located within the Southern Gateway Area Plan, and the requested R-8 CU zoning district is consistent with the requested Mixed Residential land use designation (if the Town Council approves such amendment).

The petitioner has modified the request from R-8: Residential to R-8CU: Residential Conditional Use with developer-offered commitments regarding the architectural elements of the future homes.

**Developer Commitments:** The petitioner has requested the following conditions be placed on the property:

All homes shall have:

1. A minimum lot size of 5,700 square feet.
2. A minimum building size of 2,000 heated square feet.
3. Change in elevation of roof ridge or change in direction of roof ridge
4. Foundation landscape package (minimum two trees; one tree and four shrubs; or eight shrubs)
5. Façade modulation (minimum of twelve inches in depth)
6. Roof overhangs (twelve inch minimum on all elevations)
7. Decorative garage door, if front loaded.
8. No vinyl exterior building material. Composite (pvc) trim is allowed.
9. Covered porch or portico
10. Architectural shingles
11. Window transom or door sidelight(s), or door transom

Mr. Ryan said 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.

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

Hugh J. Gilleece, Cary – Mr. Gilleece, representing the applicant, said he was available if there were any questions. He added that the conditions offered were to assure Council and the public that a quality product would be provided.

There being no further 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 CB: Community Business to R-8 CU: Residential Conditional Use is consistent with the Holly Springs 10 Year Comprehensive Growth Plan since the future land use plan map indicates these properties as Mixed Residential (maximum density of 15 units/acre) and the R-8 CU: Residential Conditional Use district has a maximum allowed residential density of 4.50 units/acre."*

**Motion By:** Williams

**Second By:** Sack

**Vote:** Unanimous

**Action #2:** The Council approved a motion to adopt Ordinance 13-REZ-03 to approve Zone Map Change Petition #13-REZ-03 to change the zoning of Wake County PIN # 0658133419 and a 60.81-acre portion of Wake County PIN # 0658034571, as described in the ordinance and recorded in the minutes, from CB: Community Business to R-8 CU: Residential Conditional Use as submitted by Glenda S. Toppe & Associates with the following conditions offered by the petitioner:

All homes shall have:

1. A minimum lot size of 5,700 square feet.
2. A minimum building size of 2,000 heated square feet.
3. Change in elevation of roof ridge or change in direction of roof ridge
4. Foundation landscape package (minimum two trees; one tree and four shrubs; or eight shrubs)
5. Façade modulation (minimum of twelve inches in depth)
6. Roof overhangs (twelve inch minimum on all elevations)
7. Decorative garage door, if front loaded.
8. No vinyl exterior building material. Composite (pvc) trim is allowed.
9. Covered porch or portico
10. Architectural shingles
11. Window transom or door sidelight(s), or door transom.

**Motion By:** Williams

**Second By:** VanFossen

**Vote:** Unanimous

*A copy of Rezoning Ordinance 13-REZ-03 is attached to these minutes.*

**7c. Public Hearing: Holly Springs / Apex Annexation Agreement** – Mr. Simmons said the towns of Holly Springs and Apex have an existing annexation line which prohibits each municipality from annexing, voluntarily or involuntarily, on either side of the line that expires Oct. 15, 2013. The towns mutually agree that a clearly defined annexation line is beneficial for the long-range planning and utility planning for each municipality and have been discussing and debating an appropriate annexation boundary for several years. The previous line was adopted in 1993 and had ambiguous termination points on both Sunset Lake Road and at the intersection of Woods Creek and Old Holly Springs-Apex Roads.

He said the proposed annexation line has been delineated to provide a clear and definable future boundary between the Towns. The annexation line has been modified to clarify the ambiguity on the eastern terminus by extending up Stephenson Road to terminate at a mutual agreement line point with Apex, Cary, and Holly Springs. The line boundaries also have been modified through the Southern Wake Landfill / Old Holly Springs-Apex area and has been extended to terminate along US1 at the Wake/Chatham County line.

He said such annexation agreements also can include utility service area agreements. The previous Holly Springs-Apex Annexation Agreement did not address utility extension and services as our agreements with both Cary and Fuquay-Varina do. This new agreement includes language to prohibit either municipality from extending utility services to properties on the “other side” of the agreement line. However, major trunk lines or connection lines will be able to extend through the other jurisdiction with their review and approval.

The Apex Town Council also is considering this agreement at its regular meeting Aug. 20. This agreement line, if approved by both municipalities, will be in place for the maximum duration allowed by statute, which is 20 years, Mr. Simmons 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:** The Council approved a motion to enact Ordinance 13-08, adopting an annexation agreement line between Holly Springs and Apex, subject to comments received during the public hearing, and review of the town attorney.

**Motion By:** VanFossen

**Second By:** Sack

**Vote:** Unanimous

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

8a. Minutes – The Council approved minutes of the Council's regular meeting held June 18, 2013.

8b. Budget Amendment Report – The Council received monthly report of amendments to the FY 2013-14 budget approved by the interim town manager. *A copy of the budget amendment report is attached to these minutes.*

8c. Budget Amendment, \$25,800 - The Council adopted an amendment to the FY 2013-14 budget in the amount of \$25,800 to move Governor's Highway Safety Program grant funds from the FY 2012-13 budget to the current year budget. *A copy of the budget amendment is attached to these minutes.*

8d. Resolution 13-33 – The Council adopted Resolution 13-33 declaring surplus property and authorizing its disposition. *A copy of Resolution 13-33 is attached to these minutes.*

8e. Resolution 13-34 and 13-35 – The Council adopted Resolutions 13-34 and 13-35 agreeing to BB&T banking terms for the financing of vehicles and to allow reimbursement of pre-closing expenditures. *Copies of Resolutions 13-34 and 13-35 are attached to these minutes.*

8f. Modify Sign Sponsorship Fees – The Council approved to modify the Parks and Recreation sign sponsorship fees.

**9a. Mims Stormwater Device** – Mr. Levitt said at this year's retreat in February, Council was presented the Mims Stormwater Best Management Practices (BMP) project, and staff was directed to move forward with design. Town staff has been working with an internal team of department head stakeholders along with the contracted firm of Withers and Ravenel to develop the plans for this first phase of the Mims Park, which also will be an incentive for downtown development. This stormwater device will provide stormwater treatment for approximately 25 acres of downtown properties, Mr. Levitt said.

He added that stormwater treatment and flood control are not the only virtues of this project and definitely not the most noticeable. This stormwater facility will look and act as a first class amenity to the citizens of Holly Springs. Whether it is jogging the greenway trail around the pond, sitting on the stone seat walls and interacting with the babbling brook, or watching a performance on the main stage from one of three sunken plazas; this project will be a destination for families looking for some quality outdoor recreation and education.

He said construction drawings are being completed. Advertising for bids will occur within the next few months. Construction should be complete in the summer of 2014.

Councilwoman Lee said she felt like it was nice to have a beautiful amenity that has a logical purpose too. Other Council members agreed that it was an exciting project for the Town.

**Action:** The Council approved a motion to approve Development Plan / Preliminary Plan #13-DP-09 for Mims Stormwater BMP as submitted by Withers & Ravenel and Town of Holly Springs Project Number 12-034.

**Motion By:** Cobb

**Second by:** Sack

**Vote:** Unanimous.

**9b. G.B. Alford Bypass Street Lighting** – Ms. Sudano said with completion of the superstreets by the developer of the Holly Springs Towne Center, he also will be installing street lighting along the G.B. Alford Highway along project construction limits (at the developer's expense.) The lighting installed by the developer will extend along the west side of the bypass from the U-turn south of Green Oaks Parkway to north of the future Bennet Knoll Parkway.

She said the Town will install the parallel street lighting along the east side of G.B. Alford Highway. The Town's Public Works Department will do the seeding and strawing, which will save a considerable amount of money, leaving a balance due from the Town of about \$55,000.

**Action 1:** The Council approved a motion to approve a proposal by Duke Energy Progress for the installation of street lights along G.B. Alford Highway.

**Motion By:** Sack

**Second by:** Cobb

**Vote:** Unanimous.

**Action 2:** The Council approved a motion to adopt an amendment to the FY 2013-14 budget in the amount of \$55,000 for the installation of street lights along G.B. Alford Highway.

**Motion By:** Cobb

**Second by:** VanFossen

**Vote:** Unanimous.

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

**9c. Ballenridge Outfall Rehabilitation Bid Award** – Ms. Parrish said the Ballenridge outfall is an 18-inch gravity sewer line that carries a large volume of sanitary sewer from the east side of Town to the Wastewater Treatment Plant. It has deteriorated from sewer gases, requiring rehabilitation. The Town received bids on Aug. 14 for lining two segments of this sewer line. A bid tab is attached for your information. The low bidder was Southeast Pipe Survey Company. Staff recommends award of the contract to Southeast Pipe Survey Company in the amount of \$213,399.20, with a contingency totaling \$245,410.

A more detailed presentation of this project will be provided at the council meeting. Please reference map, letter to residents, an FAQ, and postcard communications that will be provided at an upcoming Public Information meeting on the project.

**Action:** The Council approved a motion to award construction contract to Southeast Pipe Survey Company in the amount of \$213,399.20 (with a contingency totaling \$245,410) for rehabilitation of the Ballenridge sewer outfall.

**Motion By:** Sack

**Second by:** Cobb

**Vote:** Unanimous.

**10. Other Business:** Councilwoman Williams said she thought the sight distance was improved with the removal of trees on Sunset Lake Road at the shopping center.

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

**12. Closed Session:** The Council approved a motion to enter Closed Session, pursuant to North Carolina General Statute 143-318.11(a)(6) to interview candidates for the position of town manager.

**Motion by:** VanFossen

**Second by:** Sack

**Vote:** Unanimous

***General Account of Closed Session – Aug. 20, 2013.***

In general, Council interviewed candidates for the position of town manager

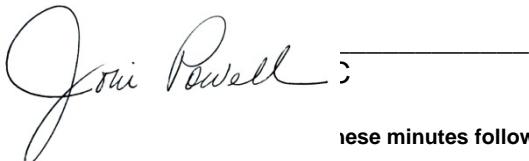
No further action was made in closed session.

The Council approved a motion to return to open session, and the motion carried unanimously.

**-- End of General Account**

**13. Adjournment:** There being no further business for the evening, the Aug. 20, 2013 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, Sept. 3, 2013.



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

