



**March 3, 2015**

## **MINUTES**

The Holly Springs Town Council met in regular session on Tuesday, March 3, 2015 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, Councilmen James Cobb, Tim Sack and Hank Dickson and Councilwomen Linda Hunt-Williams and Cheri Lee.

**Council Members Absent:** None.

**Staff Members Present:** Charles Simmons, town manager; John Schifano, town attorney; Joni Powell, town clerk, (recording the minutes); Linda Harper, deputy town clerk; Daniel Weeks, senior projects manager; Jeff Wilson, information technology director; Len Bradley, parks and recreation director; Adam Huffman, assistant parks and recreation director; Gina Clapp, planning and zoning director; Sean Ryan, planner; Laura Holloman, planner; Leroy Smith, fire chief; Kendra Parrish, director of engineering; Elizabeth Goodson, development review engineer; Irena Krstanovic, economic development coordinator; John Herring, police chief; Mary Hogan, finance director; Tamara Ward, communications specialist and Mark Andrews, public information officer.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by James Bingham of Sunrise Methodist Church.

**4. Agenda Adjustment:** The March, 2015 meeting agenda was adopted with changes, if any, as listed below.

**Motion by:** Sack

**Second by:** Cobb

**Vote:** Unanimous

**Items added to Consent Agenda** None.

**Items added to Agenda:** None.

**Items removed from New Business:** 8b. Basic group exercise class and gym memberships.

**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 comments were recorded:

Amy Southwick, 105 Leafy Holly Drive – Ms. Southwick addressed the Council to ask that the wording of the town's animal welfare ordinance be amended to be more specific than calling for "adequate" shelter because "adequate" is so subjective. She suggested that the City of Raleigh ordinance be used as a model because it defines adequate shelter as an insulated or heated enclosure with three walls, a roof and a floor. She also asked that the fine for violations be increased from \$50 per day to \$100 per day.

Catherine Chanice, 301 Covenant Rock Lane -- Ms. Chanice addressed the Council. She proposed that the Town also adopt a no-tethering ordinance similar to that in the City of Raleigh. The Raleigh ordinance limits tethering of an animal to no more than three hours in a 24-hour period.

Ms. Chanice also suggested that the fine for violations be increased from \$50 per day to \$100 per day.

Marilyn Chappell, 132 Oakhall Drive – Ms. Chappell addressed the Council to announce that the Holly Springs School of Dance will be appearing in the 2015 Macy's Thanksgiving Day parade. She went on to say that the dance troupe would serve as good ambassadors for the Town of Holly Springs while creating memories that will last a lifetime. She reported that the members are working hard to raise money for the trip through many activities and programs.

**6a. Public Hearing: Annexation Petition A14-09** – Ms. Holloman said the Town has received a request for voluntary annexation of 25.354 +/- acres located at 6407 Rex Road. The property owners are Ruby Baldwin and Carolyn S. Norris, 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 input was recorded: None.

There being no comments, the public hearing was closed.

**Action:** The Council approved a motion to adopt Annexation Ordinance A14-09 annexing 25.354 +/- acres owned by Ruby Baldwin and Carolyn S. Norris, and more particularly described as Wake County Pin's: 0637.02-69-5017, into the corporate limits of the Town of Holly Springs.

**Motion by:** Cobb

**Second by:** Williams

**Vote:** Unanimous.

*A copy of Annexation Ordinance A14-09 is attached to these minutes.*

**6b. Public Hearing: Annexation A14-10** – Ms. Holloman said the Town has received a petition for voluntary annexation of 152.785 +/- acres located along Rex Road. The property owner is Christine M. Powell, 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 input was recorded: None.

There being no comments, the public hearing was closed.

**Action:** The Council approved a motion to adopt Annexation Ordinance A14-10 annexing 152.785 +/- acres owned by Christine M. Powell, and more particularly described as Wake County Pin's: 0637.02-58-7901, 0638.03-30-9428 and 0637.01-29-9661, into the corporate limits of the Town of Holly Springs.

**Motion by:** Sack

**Second by:** Williams

**Vote:** Unanimous.

*A copy of Annexation Ordinance A14-10 is attached to these minutes.*

**6c. Public Hearing: Rezoning Petition 14-REZ-18** - Mr. Ryan said the Town has received a request to rezone ±174.02 acres located north of Rex Road near People Road from R-30: Residential (upon annexation) to R-15 CU: Residential Conditional Use and R-10 CU: Residential Conditional Use. The property is located to the west of the approved Union Ridge Subdivision.

Mr. Ryan said this is a conditional use rezoning request, and the property owner has offered the following conditions:

R-15 CU (Parcel 0638309428, 0637299661) Conditions:

1. The gross density shall not exceed 2.0 dwelling units per acre.
2. Single-Family Standards: Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted. All residential units shall have either a crawl space or raised foundation. Garage doors must have windows, decorative details or carriage-style adornments on them when facing public right of ways.

R-10 CU (Parcel 0637587901, 0637695017) Conditions:

1. Single-Family Standards: Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted. All residential units shall have either a crawl space or raised foundation. Garage doors must have windows, decorative details or carriage-style adornments on them when facing public right of ways.

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 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 input was recorded: None.

There being no comments, the public hearing was closed.

**Action #1:** The Council approved a motion to accept the following statements as being true: *"The requested zone map change from R-30 to R-15 CU and R-10 CU is consistent with the Vision Holly Springs Comprehensive Growth Plan. The Future Land Use Plan Map indicates properties with PIN 0638309428 and 0637299661 as low-density residential, which allows single-family residential development with a maximum density of two units per acre, and the conditions offered for these properties allows for single-family residential development and limits density to two units per acre. The Future Land Use Plan Map indicates properties with PIN 0637587901 and 0637695017 as residential which allows single-family residential development with a density of two to 15 units per acre, and the R-10 CU: Residential Conditional Use District allows for single-family residential development with a maximum density of 3.25 dwelling units per acre."*

**Motion by:** Williams

**Second by:** Sack

**Vote:** Unanimous.

**Action #2:** The Council approved a motion to adopt ordinance 14-REZ-18 to approve and enact Zone Map Change Petition #14-REZ-18 to change the zoning of 174.02 acres of Wake County PINs # 0638309428 and 0637299661 from R-30: Residential to R-15 CU: Residential Conditional Use and Wake County PINs # 0637587901 and 0637695017 from R-30: Residential to R-10 CU: Residential Conditional Use, as submitted by Glenda Toppe & Associates, with the following zoning conditions offered by the petitioner:

R-15 CU (Parcel 0638309428, 0637299661) Conditions:

1. The gross density shall not exceed 2.0 dwelling units per acre.
2. Single-Family Standards: Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted. All residential units shall have either a crawl space or raised foundation. Garage doors must have windows, decorative details or carriage-style adornments on them when facing public right of ways.

R-10 CU (Parcel 0637587901, 0637695017) Conditions:

Single-Family Standards: Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted. All residential units shall have either a crawl space or raised foundation. Garage doors must have windows, decorative details or carriage-style adornments on them when facing public right of ways.

**Motion by:** Dickson

**Second by:** Cobb

**Vote:** Unanimous.

*A copy of Zoning Ordinance #14-REZ-18 is attached to these minutes.*

**6d. Public Hearing: Holly Springs Counseling Center** – Mr. Ryan said the Town has received a request for a Special Exception Use application and a development plan to convert an existing single-family dwelling located at 300 W. Earp Street into a commercial office building. There would be no exterior changes to the structure; however, a small parking lot and landscaping would be added in order to meet the Unified Development Ordinance (UDO) requirements for commercial operations.

He said with the last round of UDO Amendments, Town Council approved a change to the Town Village zoning district which would require any new project or subdivision to receive a Special Exception Use. The proposed use – Office – is a permitted use in the Town Village district; however, because parking and landscaping are required for commercial projects, the proposed project is considered a new project requiring the Special Exception Use.

In association with the Special Exception Use, a development plan has been submitted for this project. To convert a single-family home into a business, the site must come into conformance with commercial standards. For this site, landscaping, parking, and infrastructure improvements are required.

Ms. Goodson addressed the Council and reported that, in response to Council direction given at the retreat meeting in February, the amount of infrastructure that is required is reduced since the project is a home to business conversion in the Village District. She said sidewalk, curb and gutter and the relocation of two utility poles all have been removed from the requirements of this plan.

Councilwoman Williams asked if the five parking spaces shown on the site would be adequate.

Staff responded that the applicant has advised that the five spaces would be adequate. Staff added that the road widening that is required on Earp Street could be used for on-street parking, if needed.

With that explanation completed, Mayor Sears opened the public hearing. The following testimony and evidence was submitted by those who had been administered the oath by the deputy town clerk:

Randy Miller, Thompson and Associates -- Mr. Miller addressed the Council to also ask if road widening could be delayed until future road construction by neighboring property owners is done so that it could all be done at the same time. That would result in some cost savings and a better project, he said.

He said at any one time there would be two therapists in the office with one client at a time, so four spaces should be adequate.

Nancy Smyth, 105 Starwood Lane -- Ms. Smythe addressed the parking question. She said Holly Springs Counseling would have six or seven therapists, but only two would be in the office at a time, so the five spaces should be adequate.

Larry Bernstein, 105 Starwood Lane – Mr. Bernstein said he probably confused the parking issue because he had been saying there would be four to seven therapists in the practice, but only two at one time would be at this location is a more accurate characterization, he said.

Mr. Simmons asked about Sunday group meetings when, during staff meetings on this project, it was said that as many as 25 people might be gathered.

The applicants said the Sunday group meeting usually had between seven and nine people, and those meetings would be held off-site.

Councilwoman Williams asked if more parking could be provided elsewhere on the property.

The applicant said there was an existing driveway on the west side of the building.

Staff said that is why road widening is requested so that additional on-street parking could be provided.

The applicant maintained the widening would be more cost-effective and higher quality if done when the Town widens its side of Earp Street with the development of the Mims Park property.

Councilman Dickson asked if the condition to allow the road widening to be delayed would go with the project or with the land.

Ms. Goodson and Mr. Schifano said the permission would go with the project. Councilman Cobb said his concern is that there is no schedule for the Town's widening of Earp Street and it may never get done; therefore, the widening at this location may never get done. He also expressed concern that the Town was not requiring a fee-in-lieu of widening but simply waiving the requirement entirely.

Mr. Miller addressed the Council on the question of cost.

Mr. Simmons suggested that if the Council is of a mind to allow the delay of road widening that a condition be considered to disallow on-street parking because Earp Street leads to the cemetery and on-street parking without widening might cause an obstacle for funeral processions.

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 #14-SEU-15 for Holly Springs Counseling Center as specified in UDO Section 3.03 A. Town Village District to allow for a new project in the TV district, as submitted by Holly Springs Counseling Center.

**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:** Sack

**Second by:** Dickson

**Vote:** Unanimous.

*A copy of Special Exception Use Petition #14-SEU-15 is attached to these minutes.*

**Action #2:** The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for a waiver of regulations of UDO Section 7.07, B., 13 and 7.07, C. to eliminate the required public sidewalk along W. Earp Street for Development Plan #14-DP-18 for Holly Springs Counseling Center, at 300 W. Earp Street, Wake County PIN 0649826768, as submitted by Thompson & Associates, dated 1/12/15.

A petition for a waiver of regulations of UDO Section 7.07, B., 13 and 7.07, C. to eliminate the required public sidewalk along W. Earp Street may only be granted upon the presentation of sufficient evidence to enable a written determination that:

- (1) The granting of the *waiver* will not be detrimental to public safety, health or welfare or injurious to other property;
- (2) Conditions upon the request for a *waiver* are unique to the property for which a *waiver* is sought and are not applicable generally to other property;
- (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is not carried out;
- (4) The *waiver* will not contravene the provisions of this UDO or the *Comprehensive Plan*; and
- (5) Where the *waiver* impacts on the design, construction or maintenance obligations of public facilities, that the appropriate public agency has reviewed and approved the proposed development in writing and the subdivider has submitted a copy of such approval.

**Motion by:** Williams

**Second by:** Sack

**Vote:** Unanimous.

**Action #3:** Having made the necessary findings of fact, the Council approved a motion to grant a waiver of regulations of UDO Section 7.07, B., 13 and 7.07, C. to eliminate the required public sidewalk along W. Earp Street for Development Plan #14-DP-18 for Holly Springs Counseling Center, at 300 W. Earp Street, Wake County PIN 0649826768, as submitted by Thompson & Associates, dated 1/12/15 with the following condition:

1. At the time that the building is expanded for the current business, the property is redeveloped, sold, or is used by another business other than Holly Springs Counseling Center, such sidewalk shall be installed prior to opening.

**Motion by:** Lee

**Second by:** Sack

**Vote:** Unanimous.

**Action #4:** The Council approved a motion to approve an exception to the regulations of Engineering Design and Construction Standards Section 3.02-G in association with Development Plan #14-DP-18 for Holly Springs Counseling Center at 300 W. Earp Street, Wake County PIN 0649826768, to eliminate the required curb and gutter for the off-street parking lot as submitted by Thompson & Associates, dated 1/12/15 with the following condition:

1. At the time that the building is expanded for the current business or the property is redeveloped, such curb and gutter shall be installed prior to opening.

**Motion by:** Sack

**Second by:** Williams

**Vote:** Unanimous.

**Action #5:** Having made the necessary findings of fact, the Council approved a motion to grant Special Exception Use Petition #14-SEU-15 to allow for a new project in the TV district and Development Plan #14-DP-18 for Holly Springs Counseling Center, at 300 W. Earp Street, Wake County PIN 0649826768, as submitted by Thompson & Associates, dated 1/12/15 with the following conditions:

**Special Exception Use Condition:**

1. All operations must adhere to the evidence submitted by the applicant as stated in the findings of fact submitted and those findings of fact specified by the Town Council in conjunction with 14-SEU-15.
2. *[Condition added by Motion #6 below]* The delay of road widening on Earp Street is allowed for this project until such time as any property on Earp Street within 100 yards of the property or the Mims Park property is developed and is required to widen Earp Street.

**Development Plan Conditions:**

1. A downtown development investment (DDI) request was submitted for this project. All improvements shown on the plans are required unless otherwise approved with the DDI request.
2. With the 1st construction drawing submittal, the following items are required:
  - a. Thoroughfares, collectors and boulevards will require a calculated pavement design. This may result in a pavement cross section bigger than the specified minimum.
3. *[Condition amended by Motion #6 below]* At the time that the property is sold or is used by another business other than Holly Springs Counseling Center, the public sidewalk along W. Earp Street shall be installed prior to opening and the widening of Earp Street as shown on the site plan shall be completed.

**Motion by:** Dickson

**Second by:** Cobb

**Vote:** Unanimous.

**Action #6:** The Council approved a motion to add a Special Exception Use condition to allow the applicant to delay widening of Earp Street as shown on the site plan until such time as any property on Earp Street in the vicinity of the property is developed and the widening of Earp Street is required or the Mims Park property is developed.

**Motion by:** Williams

**Second by:** Sack

At this time, staff requested an amendment to the previous motion to add the delay of widening of Earp Street to Condition No. 3 in the development plan approval and calling for the work to be done along with public sidewalk should the property ever be sold.

Councilwoman Williams and Councilman Sack agreed to the amendment, and the Council voted to approve the amendment.

Councilman Dickson asked if the words "in the vicinity" could be defined to a distance that would include the development of the Mosaic on Main property.

Councilwoman Williams agreed to the amendment, and Councilman Sack agreed to change the wording of the motion to:

**Action #6 as amended:** The Council approved a motion to add a Special Exception Use condition to allow the applicant to delay widening of Earp Street as shown on the site plan until such time as any property on Earp Street within 100 yards of the property or the Mims Park property is developed and the widening of Earp Street is required.

**Vote:** The motion carried following a 4-1 vote. Councilwomen Lee and Williams and Councilmen Dickson and Sack voted for the motion. Councilman Cobb voted against.

Mr. Simmons noted that Earp Street is about to be resurfaced as part of a force main replacement project so that might provide an opportunity for the applicant to proceed with the widening at a cost savings.

**6e. Public Hearing: Ordinance #15-01, UDO Amendment 15-UDO-01** - Ms. Clapp said the proposed amendments are minor clean-up revisions to various sections of the Unified Development Ordinance that were missed with the last update in September and were identified when staff was conducting their annual review of the responsibilities of the Boards.

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

There being no comments, the public hearing was closed.

**Action #1:** The Council approved a motion to accept the following statements 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." 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:** Cobb

**Second by:** Dickson

**Vote:** Unanimous.

**Action #2:** The Council approved a motion to adopt ordinance 15-01 to approve and enact Unified Development Ordinance Amendment #15-UDO-01 as requested by Town of Holly Springs.

**Motion by:** Dickson

**Second by:** Cobb

**Vote:** Unanimous.

*A copy of Ordinance #15-01 is attached to these minutes.*

#### **6f. Public Hearing: Downtown Development Investment Petition 14-DDI-01 Mims House -**

Ms. Clapp said the Town has received a request for Downtown Development Investment (Town Policy Statement P-33.1) has been submitted by Mims House business owners Brooke Everhart and Priscilla Erwin. In accordance with the Town's DDI policy, they have requested that all Town development-related fees be waived and to be reimbursed up to \$25,000 for public infrastructure that is required to be upgraded and added as a part of the development plan approval for the renovation of the Mims House for commercial purposes. The expenditure of public funds being considered is estimated at \$39,880.

Councilman Dickson said he would be comfortable in a policy change that would address his concern about future projects that owners be required to own the incentivized property for a year and reporting to the Council before being provided the reimbursement. He stressed he did not want to apply such a change to this project but to projects in the future because he worried that some might use the policy as a benefit and then sell the property quickly in a flip.

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

Brooke Everhart -- Ms. Everhart outlined the business plan for the historic Leslie-Alford-Mims to convert the property into a wedding venue.

John Adcock, 7500 Rouse Road – Mr. Adcock said he supported the Mims House project but addressed the Council to speak to the question of road right of way. He said, as a member of the Holly Springs United Methodist Church, the road is bad shape and he wanted to know where the responsibility for repair and maintenance would lie.

Mr. Schifano said the Town is asking the property owner to dedicate the right of way and that he felt the church would be relieved of any responsibility for the repair or maintenance of the road.

There being no comments, the public hearing was closed.

**Action:** The Council approved a motion to enter into a Downtown Development Investment Agreement with the business owners of The Mims House to waive certain Town development fees and reimburse up to \$25,000 in public infrastructure improvements for a total expenditure estimated at \$39,880.

**Motion by:** Sack

**Second by:** Williams

**Vote:** Unanimous.

#### **6g. Public Hearing: Downtown Development Investment Petition 14-DDI-02 Holly Springs Counseling Center -**

Ms. Holloman said the Town has received a request for Downtown Development Investment (Town Policy Statement P-33.1) has been submitted by Holly Springs Counseling Center business owner Larry Bernstein for the property located at 300 W. Earp Street.

In accordance with the Town's DDI Policy, they have requested that all Town development-related fees be waived and to be reimbursed up to \$25,000 for public infrastructure that is required to be upgraded and added as a part of the development plan approval for the renovation of 300 W. Earp Street for commercial purposes. The associated expenditure of public funds being considered is estimated at \$39,302.

With that explanation completed, Mayor Sears opened the public hearing. The following input was recorded

Larry Bernstein, 105 Starwood Lane – Mr. Bernstein said he was disappointed that in the DDI program he would have to invest \$60,000 in infrastructure to receive \$25,000 in reimbursement, and the recommended amount is only between \$10,000 and \$12,000. He said he felt his company would offer more value to the Town than that.

There being no comments, the public hearing was closed.

Ms. Clapp reported that the applicants had requested \$25,000 in reimbursement. With the reimbursement that is recommended with building permit fees the amount is closer to \$39,000.

Mr. Simmons added that the project already has received waiver or delay of a lot of public improvements like sidewalk, curb and gutter, road widening and the relocation of two utility poles to the tune of about \$49,000.

**Action:** The Council approved a motion to enter into a Downtown Development Investment Agreement with the owners of 300 W. Earp Street to waive certain Town development fees for a total reimbursement estimated at between \$10,502 and \$11,802 plus building permit fees.

**Motion by:** Sack

**Second by:** Cobb

**Vote:** Unanimous.

**6h. Public Hearing: 14-MAS-07, Shaffer Subdivision** - Ms. Holloman said staff has received a request for a 150-lot subdivision, consisting of both single-family detached (74) and attached product (76.) The subject properties are split-zoned with the attached product on R-MF-15 zoned property and the detached homes on the R-8: Conditional Use property, totaling 44.31 acres. The proposed project is located on the north side of New Hill Road to the east of the 12 Oaks subdivision and directly adjacent to the newly approved elementary school slated to open in the fall of 2016.

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

There being no comments, the public hearing was closed.

**Action:** The Council approved a motion to approve Preliminary Plan #14-MAS-07 for Shaffer Subdivision as submitted by Curry Engineering, dated 02/9/15 with the following conditions:

1. Prior to Town Council, the applicant shall submit a stamped plan from the Postmaster approving the Cluster Mailbox Unit location for this subdivision within 10 days of Council approval.
2. Prior to the installation of a Cluster Mailbox Unit for the subdivision, a UDO permit shall be obtained from the department of Planning & Zoning.
3. At the time of construction drawing submittal, a street lighting plan will be required to be submitted to Planning & Zoning for review and approval. Street Trees on all interior streets shall be positioned as to not interfere with any lighting fixtures present or any site distance triangles.
4. This project will be required to meet Town's NPDES Phase II Post Construction Stormwater ordinance.
5. A fee-in-lieu of upgrade will be required for this project for the Pump Station and associated force main.
6. A fee-in-lieu of a portion of the cost for the signal will be required for the Green Oaks Parkway & Holly Springs New Hill Road intersection.
7. The following items must be included with the first construction drawing submittal:
  - a. All items listed on the Stormwater Submittal Checklist, Form #16003.

- b. A detailed hydraulic report will be required for the reclaimed water main extension proposed.
- c. Provide documentation in the form of a recorded plat for any required offsite sewer easements.
- d. Provide documentation in the form of a recorded plat for any required offsite right-of-way.
- e. Homeowner Environmental education packet
- f. Provide NCDWQ Buffer origin determination.

8. Prior to issuance of a land disturbance permit or construction drawing approval, the following items must be completed:

- a. Approval of Stormwater Management Plan
- b. Payment of the Stormwater Fee-in-Lieu
- c. 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.
- d. All environmental permits must be obtained.
- e. If any off site sewer facilities are needed to serve this project and are not completed and accepted by the Town at the time of approval of this plan, then these facilities must be completed. The Town is not responsible for completion of offsite sewer facilities, and will not guarantee completion of such facilities by any other party, no plats or building permits will be issued by the Town until all necessary on and off site sewer infrastructure is completed.

9. Home Owner's Association covenants shall be recorded with the first plat associated with this subdivision.

10. Within 10 days of the TC approval of this plan, the following must be provided:

- a. Provide final bound engineer's sealed Water System Hydraulic Report.
- b. Provide final bound engineer's sealed Downstream Sewer Evaluation Report.

**Motion by:** Williams

**Second by:** Sack

**Vote:** Unanimous.

**7. 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. Budget Amendment \$10,000 – The Council adopted an amendment to the FY 2014-15 budget in the amount of \$10,000 to transfer funds from federal asset forfeiture funds to capital outlay equipment line for additional canine. *A copy of the budget amendment is attached to these minutes.*

7b. New World System Software Agreement – The Council approved renewal for a New World System software maintenance service agreement.

7c. Law Enforcement Center Project - The Council approved to enter a contract with O'Brien Atkins for interior design services for the Law Enforcement Center.

7d. North Main Athletic Complex Project – The Council approved \$142,404.46 purchase of portable building for offices and bathrooms at the North Main Athletic Complex.

**8a. Burt Tract Reclaimed Infrastructure Agreement** – Ms. Parrish said the Burt Tract is a 122-acre tract within the corporate limits of Holly Springs. The proposed residential project will consist of 342 single-family lots and other improvements constructed in residential communities. The developer and staff support 50% of the total construction cost for the reclaimed infrastructure to be

reimbursed a maximum credit of \$750,000 dispersed via credits for water and reclaimed acreage and capacity fees.

She said the developer also would be paying a fee-in-lieu for an upcoming traffic signal project at the intersection of Green Oaks Parkway and New Hill Road, as well as a fee-in-lieu for the construction of a median as required by the Unified Development Ordinance.

**Action:** The Council approved a motion to enter into an infrastructure reimbursement agreement with the developer of the Burt Tract for water and reclaimed system acreage and capacity fee credits as reimbursement for reclaimed infrastructure.

**Motion by:** Williams

**Second by:** Dickson

**Vote:** Unanimous.

**8b. W.E. Hunt Recreation Center Gym/Program Membership Fees** – This item was removed from the agenda during agenda adjustment.

**9. Other Business:** None requiring Council action.

**11. Manager's Report:** None requiring Council action.

**12. Closed Session:** The Council approved a motion to enter Closed Session, pursuant to North Carolina General Statute 143-318.11(a)(3) to discuss a potential litigation matter with Fred Smith Contracting and NC General Statute 143-318.11(a)(5) to discuss real estate acquisition in regard to Holly Springs Quality Food Mart and NC General Statute 143-318.11(a)(4) to discuss a matter of economic development opportunities in the Holly Springs Business Park.

**Motion by:** Sack

**Second by:** Dickson

**Vote:** Unanimous

***General Account of Closed Session – March 3, 2015.***

In general, the Council received a report from the town attorney on a matter of contract interpretation differences between the Town and Fred Smith Contracting for mounds of dirt that are being left at the North Main Athletic Complex. One of the mounds is in the way of work yet to be completed. The contractor is attempting to charge the Town for the moving of the dirt, and the town attorney believes that, under the contract, there should not be any charges.

The Council received a report from Ms. Mizelle regarding a potential new business investment in Holly Springs.

The Council heard a report from the town attorney about the value of the Holly Springs Quality Food Mart property now and if it were to be acquired in the future if road widening were ever required on Main Street.

The Council then approved a motion to return to open session.

**-- End of General Account**

**12. Adjournment:** There being no further business for the evening, the March 3, 2015 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, April 21, 2015.



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

