



Aug. 18, 2015

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Aug. 18, 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 four council members were present as the meeting opened.

Council Members Present: Mayor Sears, Councilmen Tim Sack, James Cobb, Hank Dickson and Councilwoman Linda Hunt-Williams.

Council Members Absent: Councilwoman Cheri Lee.

Staff Members Present: Charles Simmons, assistant town manager; Daniel Weeks, senior project manager; John Schifano, town attorney; Joni Powell, town clerk, (recording the minutes); Jeff Wilson, information technology director; Gina Clapp, planning and zoning director; Sean Ryan, planner; Adam Huffman, assistant parks and recreation director; Mary Hogan, finance director; Kendra Parrish, engineering director; Elizabeth Goodson, development review engineer; Leroy Smith, fire chief and members of the Holly Springs Fire Department; Jenny Mizelle, economic development 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 Rev. Tom Newman, pastor of Sunrise United Methodist Church.

4. Agenda Adjustment: The Aug. 18, 2015 meeting agenda was adopted with changes, if any, as listed below.

Motion by: Sack

Second by: Cobb

Vote: Unanimous

Items removed from Consent Agenda: None.

Items added to Consent Agenda: None.

Items removed from Agenda: None.

Items added to 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 comments were recorded: None.

6a. 2015 All-Star Baseball and Softball Teams - Mr. Huffman said the Holly Springs Parks and Recreation all-star baseball and softball teams participated in the Statewide Athletic Committee (SWAC) baseball and softball tournaments during July. He said the 12u girls softball team finished as state runner-up. The 15u boys baseball team finished as state runner-up. The 10u boys baseball team finished as state champions.

Mr. Huffman presented the athletes with certificates signed by the mayor and commemorating their achievements.

Action: None.

7a. Certificate of Achievement for Excellence in Financial Reporting - Ms. Hogan said the Certificate of Achievement for Excellence in Financial Reporting has been awarded to the Town of Holly Springs Finance Department by the Government Finance Officers Association (GFOA) of the United States and Canada for its comprehensive annual financial report (CAFR.)

The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government, its management and its finance office staff, Ms. Hogan said.

Ms. Hogan expressed her appreciation to members of the finance department, who all contributed to this achievement.

Action: None.

7b. Holly Springs Fire Department Unit Citation – Chief Smith recognized firefighters who served about the call of duty to help residents of the Dorothy Nixon Allen Manor in February when the facility for senior adults was evacuated late one evening after a water pipe in the attic froze. Some of the building became uninhabitable because of water and electrical damage, and many residents were displaced in the cold night. Firefighters worked with residents and their families to find lodging for the residents, some of whom were not able to return to DNA Manor until just recently.

Action: None.

8a. Special Exception Use, 15-SEU-03 – Mr. Ryan said the Town has received a request for a major automotive repair facility to be located within the Holly Springs Business Park in an existing industrial flex space building (HPC Flex Building.) In the building, leasing space is made up of office space in the front and warehouse space with roll-up doors in the rear. In total, the flex building is approximately 15,800 square feet and contains three flex suite spaces.

The applicant would like to occupy Unit 206, which contains 2,650 square feet, 600 square feet of which is office space. Work would be performed in the rear warehouse space. One service bay would be installed with the ability to add a second in the future. According to the materials submitted by the applicant, the major automotive repair would include general repairs such as brakes, tires, suspension work, engine work, and other similar repair. Detailing, such as washing, waxing, and interior cleaning also would take place at this facility.

With that explanation completed, Mayor Sears opened the public hearing. The following testimony and evidence was offered by those who had been administered the oath by the town clerk: None.

There being no 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 15-SEU-03 for 55 Autoworks LLC to allow for Automotive Repair - Major in the RT Research & Technology District at 206 Premier Drive.

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: Dickson

Second by: Cobb

Vote: Unanimous.

A copy of Special Exception Use Petition #15-SEU-03 is attached to these minutes.

Action #2: Having made findings of fact that the project meets the requirements to be granted a Special Exception Use made a motion to approve Special Exception Use Petition #15-SEU-03 for 55 Autoworks, LLC to allow for Automotive Repair - Major in the RT Research & Technology District at the property located at 206 Premier Drive, Wake County PIN 0649128792, as submitted by 55 Autoworks, LLC with the following two (2) condition(s).

- 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 15-SEU-03.
- 2. There shall be no outdoor operations.

Motion by: Cobb

Second by: Sack

Vote: Unanimous.

8b. Special Exception Use 15-SEU-01 and Development Plan 15-DP-04 – Mr. Ryan said that Skyway Tower, LLC has submitted a Special Exception Use and Development Plan Petition for a 199 foot monopole communication tower and fenced compound to be located on a portion of 10.79 acres of property at 9029 Turner Drive. Telecommunication towers are special exception uses in the R-20 zoning district so long as they meet all development standards. A concurrent development plan has been filed with this Special Exception Use, Mr. Ryan said.

Applications for new telecommunication towers shall demonstrate that all efforts have been exhausted to locate the proposed telecommunications antennas on existing telecommunications towers, buildings or structures in the geographical area of the proposed telecommunications antennas. The applicant has submitted written affidavits and supporting documentation demonstrating that there are no existing towers or structures of comparable height capable of supporting colocation within one mile of the proposed site, Mr. Ryan said.

The applicant has submitted color photo simulations for the proposed telecommunications tower to demonstrate what reasonably can be expected if the tower is approved.

Mr. Ryan explained that the Special Exception Use request and Development Plan were submitted with three additional requests for Council consideration:

- Requesting a waiver of voluntary annexation;
- Requesting a variance of development standards to allow a gravel driveway; and
- Requesting a variance of standards to not have to extend Turner Drive.

1. Waiver of Voluntary Annexation

In accordance with the Development Procedures Manual (DPM), the applicant is required to submit a voluntary annexation petition for Wake County PIN 0750703468 since the Special Exception Use request is located on a parcel in the Town's extraterritorial jurisdiction. DPM Section 1.00 allows for a waiver of the voluntary annexation requirement when a property owner determines that conformance with the voluntary annexation requirements would create an unreasonable hardship or burden. A written request for a waiver may be submitted to the Department of Planning & Zoning specifying the reasons for such waiver. The request is reviewed by the Town Manager who may grant a waiver of the requirements after considering certain factors:

Mr. Ryan said that when Ms. Clapp reviewed the requested waiver against the factors specified in the DPM, she determined that the request does not meet any of the three specified factors. The applicant, Mr. Ryan noted, states the same in the letter of request.

- a. The Parcel is less than 50% contiguous to the Corporate Town Limits (**the parcel is +/- 58% contiguous**)
- b. Parcel is not within a reasonable distance to connect to municipal water and/or sewer (**a Town pump station is adjacent to this parcel, and water is along Turner Drive. Applicant also is also requesting not to extend water in accordance with Town standards.**)
- c. Parcel does not gain access from a Town-maintained roadway (**Turner Drive is a Town-maintained roadway. Applicant also is requesting not to extend the public road in accordance with Town standards.**)

After reviewing the requested waiver with Mr. Simmons, it was determined not to grant the requested waiver of voluntary annexation. Additional reasons for the denial is the fact that the Town, in accordance with policies of Wake County, requests annexation of parcels at time of development to fill in "donut holes."

At this time, Ms. Goodson addressed the Council to explain staff's responses to the applicant's request for permission to not provide road improvements. She said staff is recommending that the applicant:

- extend Turner Drive to provide access for the remaining landlocked property and to provide for safe turn around for emergency vehicles. This extension should meet the pavement design required of public roads and should be the same width as the existing Turner Drive and not to be a gravel road.
- dedicate the required right-of-way along the property frontage for this extension and obtain permission from any other property owners to improve the portion of the road that may be in the existing access easement but not on the property.
- pay a fee-in-lieu for the curb and gutter that would be required along this portion of the road extension. This has been considered since the rest of Turner Drive does not have curb and gutter at this time; and
- extend the 6" water line to the end of the Turner Drive extenstion to allow for water service to the remaining landlocked property at the end of Turner Drive.

If this property is not annexed, all calls for public safety would continue to be routed through Wake County Sheriff's office (who may request Holly Springs Police to respond) and Wake County Fire (handled by Holly Springs Fire Rescue) instead of being directed directly to Holly Springs public safety departments. The site would be using Town staff and equipment without paying

property taxes to Holly Springs. In addition, Turner Drive is a Town-maintained roadway. Cell towers require a lot of maintenance, and commercial trucks will be driving down Turner Drive regularly to service this facility. Without paying Town taxes, the applicant would not be covering the costs associated with long-term maintenance for the only roadway that provides access to this property.

It is anticipated that the applicant, Skyway Towers, LLC, on behalf of the property owner, will be requesting that the Town Council appeal this determination and allow for a waiver of annexation, Mr. Ryan said.

2. Variance of Development Standards

Skyway Towers, LLC has submitted an application for a variance from the Unified Development Ordinance Section 8.01 D. 3. a. (3). Associated Equipment or Buildings and Compound Area Requirements, to allow for a gravel-surfaced access drive between the right-of-way of Turner Drive and the compound area rather than a hard-surfaced access drive.

3. Engineering Design and Construction Standards Request

In accordance with the Town of Holly Springs Engineering Design and Construction Standards and UDO; a project is required to improve any road adjacent to or through a property. Skyway Towers, LLC has requested that Turner Drive not be extended or improved beyond a gravel road along the frontage of the property due to the nature of the project and the NC 540 corridor and future road. Staff has considered the request and recommends that the minimum requirements for this project shall be:

- a. Extend Turner Drive to provide access for the remaining landlocked property and to provide for safe turn around for emergency vehicles. This extension should meet the pavement design required of public roads and should be the same width as the existing Turner Drive and not to be a gravel road.
- b. Dedicate the required right-of-way along the property frontage for this extension and obtain permission from any other property owners to improve the portion of the road that may be in the existing access easement but not on the property.
- c. Pay a fee-in-lieu for the curb and gutter that would be required along this portion of the road extension. This has been considered since the rest of Turner Drive does not have curb and gutter at this time.
- d. Extend the 6" water line to the end of the Turner Drive extension to allow for water service to the remaining landlocked property at the end of Turner Drive.

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

Gray Styers, representing the applicant – Mr. Styers provided a presentation outlining the applicant's position as to why the tower is needed. In short, he said, T-Mobile desires the enhanced coverage to provide increased residential service via cell phones. The demand for this type of service, requires a certain reliability the tower would provide.

Mr. Styers said the application and responses evidence that the project would meet the necessary findings of fact. Mr. Styers submitted the application, supporting materials, the revised plans and the slides of his Powerpoint presentation into the record.

Councilwoman Williams asked, if the tower were to fall, how would it happen.

Mr. Styers said, as a practical matter, the tower would not likely ever fall, even in extreme weather, but if it did, it would fold in on itself.

Councilman Sack asked if any buildings would be included on the site.

Mr. Styers said no, not on the account of T-Mobile. He noted that if another company were to co-locate on the structure, he could not speak for them.

On the issue of variances requested, Mr. Styers said the applicant is requesting that road improvements be waived because Turner Drive is a road to nowhere since it would be extended only to where the corridor for I-540 is. He added that extension of the road would not be in sync

with the requirements of the use. If the owner were to sell the remainder of his land for development of another use in the future, then extension of the water and road would be appropriate. The improvements would not, however, serve a cell tower use that would not need water nor the road. Staff had said it would require a vehicle turn-around. Again, Mr. Styers said, if the remainder of the 10 acres is developed, then street and water improvements would be needed and should be provided, but not by this applicant at this time.

He asked, why burden this use with requirements that would ultimately benefit only a future use?

Mr. Styers went on to explain that extension of the roadway would be near impossible since the applicant does not have control of the other side of the road. Mr. McDaniel would dedicate his side of the road for future improvements, Mr. Styers said.

Mr. Styers said the applicant also is requesting a variance for having to provide a paved driveway. He said the existing road is gravel and the applicant is asking that the driveway likewise be gravel. He said the drive would not be visible. He also noted that the property owner does not want want more impervious surface than necessary.

Mr. Simmons asked if the property were to be annexed, would the lease rate paid by the company be adjusted to compensate Mr. McDonald for his property taxes.

Mr. Styers said the lease agreement does not contemplate the question. Perhaps part or all could be paid, but the subject is not included in the lease, he said.

Faith Greene, 308 Hallway Ct. – Ms. Greene owns property that backs up to the site and she presented Web site information that indicate property values would decrease. Nobody wants a cell phone tower in their community, she said.

Anthony Ward, 750 Crosslink – Mr. Ward owns nearby property. He spoke against the cell tower. He spoke to the issue of notice, claiming that neighbors did not have adequate notice. On the issue of property values, he said even if property values were not affected, its marketability would be. He said if all things were equal, another piece of property would be preferable for a buyer.

Bill Rousseau, 6236 Lake Terace Drive – Mr. Rousseau, a planning board member speaking as a resident, addressed the Council. He suggested that the standard policies of the Town are not congruous with the needs of the applicant. He said he did not think the Town should require the applicant to pave the driveway, extend water or improve the road. He said it might make more sense and serve the community better, if the applicant would provide off-site sidewalk for the neighborhood.

He said he also does not think it is right for the Town to require annexation of the property owner, especially for the entire 11-acre parcel, because the site is using only one-third of an acre.

Benjamin McDonald – Mr. McDonald is the property owner. He said he owns nearly 11 acres and has no plans to develop the property and opposes the requirement to pave the road.

Mr. Styers – addressed the Council to clarify for the record. While some neighbors said they had seen work being done on the site, that is not true. He said the neighbors may have seen surveyors or geo tech workers getting soil samples for the purpose of drawing the plans, but there has been no site work on the property.

He also addressed the issues of property values and marketability. He said he could talk for hours about both, but he simply pointed to the Cobble Ridge subdivision in Holly Springs where \$300,000+ homes have held their values and are quite marketable.

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

Councilman Sack asked if the road extension would provide access to land-locked property.

Mr. Schifano advised Mayor Sears to reopen the public hearing, which he did. Mr. Schifano reminded all respondents that they remained under oath.

Mr. Styers said the 150 feet of road extension would provide access to only the planned corridor of I-540. He said municipal water is available about 200 feet away

Chief Leroy Smith – Chief Smith responded to a question about cell tower fires. He said they definitely happen. He said there is a 100% chance that the tower will be hit by lightning and and combustible materials on and around the tower could catch fire. For that reason, he said, it

would be important and safer for the ladder truck crew if the driveway were paved so that it would support the truck.

He added if batteries stored on the site were to leak, it would be better if they were to leak onto pavement rather than gravel.

Mr. Styers said the company's equipment cabinet is set upon a concrete pad. The tower will include a lightning rod.

Robert Hill, Mt. Pleasant – Mr. Hill, representing the applicant, testified that their batteries do not contain sulfuric acid. He confirmed that hazardous materials would not be stored on site.

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

Action #1: The Council considered a motion to make and not accept the findings of fact as written and presented by the applicant and/or amended by the Town Council to be recorded in the minutes for Special Exception Use Petition #15-SEU-01 to allow for a 199-foot communications relay tower for Turner Drive Cell Tower in the R-20 Residential District as submitted by Skyway Towers, LLC. The motion, which Councilwoman said she made in error, was allowed to die for lack of a second.

Motion by: Williams

Second by: None

Vote: n/a

Action #1: The Council approved a motion to make and accept the findings of fact as written and presented by the applicant and/or amended by the Town Council to be recorded in the minutes for Special Exception Use Petition #15-SEU-01 to allow for a 199-foot communications relay tower for Turner Drive Cell Tower in the R-20 Residential District as submitted by Skyway Towers, LLC

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: Williams

Second by: Sack

Vote: Unanimous.

A copy of Special Exception Use Petition #15-SEU-01 addressing the findings is attached to these minutes.

Action #2: Citing Chief Smith's testimony that the paved drive would be dangerous for the stable set-up of the fire department's ladder truck in case of an emergency on the site, Councilman Dickson said he did not feel the project satisfied the necessary findings. He offered the motion, and the Council approved a motion to not make and not accept the findings of fact as written and presented by the applicant and/or amended by the Town Council to be recorded in the minutes for a variance of development standards of UDO Section 8.01 D. 3. a. (3). Associated Equipment or Buildings and Compound Area Requirements, to allow for a gravel-surfaced access drive between the right-of-way of Turner Drive and the compound area rather than a hard-surface access drive, for the property located at 9029 Turner Drive, Wake County PIN 0750703468 as submitted by Skyway Towers, LLC.

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. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Motion by: Dickson

Second by: Cobb

Vote: Unanimous.

Action #3: Having made findings of fact that the petition does not meet the necessary requirements, the Council approved a motion to deny Variance #15-VAR-03 to allow for a gravel-surfaced access drive between the right-of-way of Turner Drive and the compound area rather than a hard-surfaced access drive, in conjunction with Development Plan 15-DP-04 for Turner Drive Cell Tower, for the property located at 9029 Turner Drive, Wake County PIN 0750703468 as submitted by Skyway Towers, LLC.

Motion by: Sack

Second by: Cobb

Vote: Unanimous.

Action #4: The Council approved a motion to deny a waiver of voluntary annexation as specified in Development Procedures Manual as submitted by Skyway Towers, LLC for the property located at 9029 Turner Drive, Wake County PIN 0750703468.

Motion by: Dickson
Second by: Cobb
Vote: Unanimous.

Action #5: Having made findings of fact that the project meets the requirements to be granted a Special Exception Use, the Council approved a motion to approve Special Exception Use #15-SEU-01 as specified in Unified Development Ordinance Section 2.02 R-20 Residential District to allow for a 199-foot communication relay tower in the R-20 Residential District, and Development Plan #15-DP-04 for Turner Drive Cell Tower, as submitted by Skyway Towers, LLC dated revised 07/13/2015, at the property located at 9029 Turner Drive, Wake County PIN 0750703468 with the following conditions:

Special Exception Use Conditions:

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 15-SEU-01.
2. In accordance with the Development Procedures Manual the applicant shall submit a voluntary annexation petition to the Department of Planning & Zoning for Wake County PIN 0750703468. The voluntary annexation petition shall be accepted by the Town Council prior to construction drawing submittal for associated Development Plan #15-DP-04.

Development Plan Conditions:

1. Prior to the first construction drawing submittal, the following items must be addressed:
 - a. In accordance with the Development Procedures Manual, the applicant shall submit a voluntary annexation petition to the Department of Planning & Zoning for Wake County PIN 0750703468. The voluntary annexation petition shall be accepted by the Town Council prior to construction drawing submittal for Development Plan #15-DP-04.
 - b. Verify that the property lines on the west side of Turner Drive are shown and that the extension of Turner Drive provides access to the Brook property.
 - c. Documentation in the form of recorded plat must be provided for any offsite right-of-way or easement needed for this project.
2. Prior to construction drawing approval, the following items must be addressed:
A fee-in-lieu of construction of the curb and gutter along the extension of Turner Drive will be required to be paid.

Motion by: Cobb
Second by: Dickson
Vote: Unanimous.

9. 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:

- 9a. Minutes – The Council approved minutes of Town Council meeting held Aug. 4, 2015.
- 9b. SCADA System Maintenance Contract – The Council approved a contract with Micro-Com in the amount of \$26,083 for maintenance of the town's SCADA system.
- 9c. FY 2014-15 Year-End Budget Report – The Council received report of FY2014-15 year-end budget amendments and of budget amendments in July. *A copy of the budget amendment report is attached to these minutes.*
- 9d. Law Enforcement Center Furniture Contracts – The Council approved proposals submitted for furniture, fixtures and equipment for the law enforcement center.

10a. 12-DP-05, Mosaic on Main Project – Mr. Clapp said that on Oct. 2, 2012, the Town Council approved the development plan for the proposed Mosaic on Main project. Condition 6,a.,i. stated "The following are required to be completed prior to issuance of a building permit for Phase 1 Building - detailed design specifications for the required focal point at the intersection of Main and

Earp Streets are required to be submitted to the Department of Planning and Zoning for review and the Town Council for approval in accordance with the Village District Area Plan.

Ms. Clapp said in August 2014, Mr. Klausner, the project developer, submitted a preliminary draft of a proposed public art piece that would be placed at the corner of the building. At that meeting, the Town Council approved the concept. However, as Mr. Klausner continues to work on the project, he has begun conversations with a mosaic artist out of Durham, Jeanette Brossart, and would like to bring a new concept that is much more indicative of the original artwork idea and of the name -- Mosaic on Main -- for Council's review and approval. Please see the attached description and graphics.

She said Mr. Klausner has requested that prior to having detailed design drawings completed and entering into a contract with this artist that he would like to have the preliminary renderings presented to the Town Council for feedback and/or approval or to specify that additional renderings should be brought back for final approval.

Action: The Council approved a motion to approve the draft design specifications for the required focal point at the intersection of Main and Earp Streets for 12-DP-05 Mosaic on Main as presented on 8/18/2015 and to work out the final design and details with the Department of Planning & Zoning prior to issuance of the building permit.

Motion by: Sack

Second by: Williams

Vote: Unanimous

11. Other Business: None resulting in Council action.

12. Manager's Report: None resulting in Council action.

13. Closed Session: The Council approved a motion to enter into Closed Session, pursuant to North Carolina General Statue 143-318.11(a)(3) to discuss with the Town Attorney under the attorney-client privilege, a matter of litigation, *Jaipid vs. the Town of Holly Springs*.

General Account – Closed Session Aug. 18, 2015

In Closed Session, the Town Council consulted with its attorney about a lawsuit in which Holly Springs Food Mart is suing the Town for damages and clean-up costs after a fiber optic network installation contractor ruptured an underground gasoline storage tank. Mr. Schifano explained the merits of the case, and the Council provided direction for him to follow as he proceeds.

Motion by: Sack

Second by: Williams

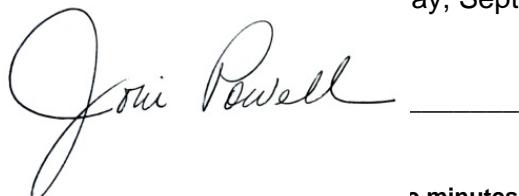
Vote: Unanimous

Action: The Council approved a motion to reenter open session.

-- End of General Account

14. Adjournment: There being no further business for the evening, the Aug. 18, 2015 meeting of the Holly Springs Town Council was adjourned.

ay, Sept. 15, 2015.



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

