



March 15, 2016

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, March 15, 2016 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, Tom O'Brien and Hank Dickson and Councilwomen Linda Hunt-Williams and Cheri Lee.

Council Members Absent: None.

Staff Members Present: Charles Simmons, town manager; Daniel Weeks, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk, (recording the minutes); Linda Harper, deputy town clerk; Jeff Wilson, information technology director; Mary Hogan, finance director; Len Bradley, parks and recreation director; Adam Huffman, assistant parks and recreation director; Gina Clapp, planning and zoning director; Sean Ryan, planner; Matt Beard, planner; John Herring, police chief; Seann Byrd, water quality director; Kendra Parrish, director of engineering; Aaron Levitt, senior engineer; Elizabeth Goodson, development review engineer; 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 Bishop Brain Evans, of the Church of Jesus Christ of Latter Day Saints.

4. Agenda Adjustment: The March 15, 2016 meeting agenda was adopted with changes, if any, as listed below.

Changes: Item 9h on the Consent Agenda, a change order to the Greenscape Inc. landscaping contract, was moved to New Business for discussion; reverse the order of Items 10a and 10b.

Motion by: Cobb

Second by: Dickson

Vote: Unanimous

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:

Moss Withers and Scott Manning – Mr. Withers, chairman of the Chamber of Commerce Board of Directors, addressed the Council to request that the funding that is made available to the Chamber be increased from \$20,000 to \$30,000. Mr. Manning, executive director, addressed the Council to explain how the Chamber has increased its impact in the community. The Chamber has bought property and plans to construct a building downtown. There, he said, the Chamber looks forward to hosting community events and providing a place for programs to be held in partnership with the Town.

With that, he said, he hoped the Council would support the Chamber's request for \$10,000 in additional funding for a total of \$30,000 in FY 2016-2017.

Abby Priest, 213 Highland Springs Lane -- Miss Priest, representing the Holly Springs High School Winter Guard program, said the group is hosting an exhibition spaghetti dinner fundraiser March 22, and she wanted to get the word out about it.

Don Reeves, 4716 Shadow Ridge Ct. – Mr. Reeves said his view is that the Town should consider long-term plans for transportation and not just projects to address needs today. He specifically said he is frustrated with Holly Springs Road.

6a. Recognition of Holly Springs High School Athletes – Mayor Sears recognized several outstanding athletes from Holly Springs High School, including state champions in multiple sports, for their accomplishments during the past season.

Mayor Sears presented certificates of commendation to Andrew Capobianco for winning the 4A State Championship in diving; Madison Resavy for winning the 4A State Championship in the balance beam event of Gymnastics; Cameron Devers for winning the 4A State Championship for wrestling in the 138-pound class; and Joshua Lehr for placing as runner-up State Champion in the 113-pound wrestling class. Mayor Sears also presented a proclamation congratulating the HSHS wrestling team for earning the 2016 North Carolina East team championship.

Action: None.

7a. Operation Coming Home Project – Mr. Tim Minton, representing the North Carolina Home Builders Association in Raleigh, and Tom Beebe of CalAtlantic Homes, addressed the Council on behalf of Operation Coming Home which announced that its Hero Home #13 will be built in Holly Springs. He said this is the second home to be built in Holly Springs. The proposed home is to be located at 316 Morgan Ridge Road, Lot 5, in Morgan Park subdivision and built by CalAtlantic Homes.

Mr. Minton said that Operation Coming Home is a 501(c)3 foundation that provides a new custom home to injured combat veterans. He said that 100% of all proceeds given to Operation Coming Home go toward the projects. He said he is requesting Council to consider waiving all building and development fees for this project.

Action: The Council approved a motion to waive all building and development fees for proposed Hero Home #13, located at 316 Morgan Ridge Road, Lot 5, in the Morgan Park subdivision.

Motion by: Williams

Second by: Cobb

Vote: Unanimous

8a. Public Hearing: Comprehensive Plan Amendment 16-CPA-01, Powell Property – Mr. Beard said the town has received a request to change the future land use designation of a 54.77-acre parcel located south of the Town Village District in the Southern Gateway planning area. The property is vacant.

He said the Comprehensive Plan Amendment would be to change the designation of the Powell Property from Office/Professional to Commercial and Mixed Residential. The planning board reviewed the application and recommends approval.

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

Kevin Kirk – Mr. Kirk addressed the Council to ask that during development of the property that a turn lane be provided at the intersection since more cars will be poured onto the roadway with residential development.

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

Action: The Council approved a motion to adopt Resolution 16-07 adopting Holly Springs Comprehensive Plan Amendment #16-CPA-01 to change the Southern Gateway Designation of 54.77 acres of Wake County PIN #s 0648848889, 0648946972 and 0648957071 from Office/Professional to Commercial and Mixed Residential as submitted by Kimberley Powell Atkins, Kelly Powell Gould and H. Brantley Powell as follows: Tracts 1, 2, 3 and 5 (as specified in resolution) from Office/Professional to Commercial; Tracts 6 and 7 (as specified in Resolution) from Office/Professional to Mixed Residential.

Motion by: O'Brien

Second by: Dickson

Vote: Unanimous

A copy of Resolution 16-07 is attached to these minutes.

8b. Public Hearing: Rezoning Petition 16-REZ-01, Powell Property – Mr. Beard said the Town has received a request to modify the zoning of approximately 54.77 acres from R-30: Residential and R-20: Residential to CB: Community Business and R-MF-15: High Density Multifamily Residential. The requested zoning change is consistent with the Comprehensive Plan Amendment (16-CPA-01) submitted concurrently with this rezoning.

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

There being no input, the public hearing was closed.

Councilwoman Lee asked what safeguards were in place to handle increased traffic.

Ms. Parrish said that during the site plan review process the applicant would be required to conduct a traffic impact analysis and to construct road improvements to mitigate any anticipated traffic impacts.

Action #1: The Council approved a motion to accept the following statements as being true: *“The requested zone map change from R-20 and R-30: Residential to CB: Commercial and R-MF-15: High Density Multifamily Residential is consistent with the Vision Holly Springs Comprehensive Plan since the Future Land Use Plan Map indicates this property as Regional Center and as part of the Southern Gateway Plan as Mixed Residential. This designation will continue to provide and allow for higher densities of residential to support existing and planned high density commercial areas in the Southern Gateway area.”*

Motion by: Dickson

Second by: Cobb

Vote: Unanimous

Action #2: The Council approved a motion to adopt ordinance 16-REZ-01 to approve and enact Zone Map Change Petition #16-REZ-01 to change the zoning of the Powell Property, Wake County PIN # 0648848889, 0648946972 and 0648957071, as follows: Tracts 1, 2, 3 and 5 (as specified in the rezoning ordinance) from R-30 to CB; Tract 4 (as specified in the rezoning ordinance) from R-20 to CB; and Tracts 6 and 7 (as specified in the rezoning ordinance) from R-30 to R-MF-15 as submitted by Kimberley Powell Atkins, Kelly Powell Gould and H. Brantley Powell.

Motion by: Cobb

Second by: Dickson

Vote: Unanimous

A copy of Rezoning Ordinance 16-REZ-01 is attached to these minutes.

8c. Public Hearing: Special Exception Use Petition 15-SEU-10, Development Plan 15-DP-16 and Waiver 15-WAV-16, Wildwood Recreation - Mr. Ryan said the Town has received a request for a Special Exception Use and Development Plan request for a private recreation center for the approved Wildwood subdivision under construction. The project is located on a lot identified as community open space on the approved Wildwood subdivision plans.

He said the recreation center development plan proposal includes a swimming pool, pool house with restrooms, play area and the associated required parking. A waiver of off-street parking regulations to allow greater than 75% of the required parking between the front building line and front lot line also has been submitted with the development plan.

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:

Kevin Kirk, -- Mr. Kirk said he favored the plan for the recreation center but he wanted to know about the lighting and whether it would impact him and his neighbors who live next to the property.

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

Mr. Ryan explained for the Council that there is no lighting shown on the plan at this time, but if it is added, Town regulation would limit the lighting to a minimum because it abuts residential property,

Action #1: The Council approved a motion to make and accept the findings of fact as submitted by the petitioner to be recorded in the minutes for Special Exception Use Petition #15-SEU-10 to allow for a private recreation center at the property located at 399 Wildwood Farms Way as submitted by Hugh J Gilleece & Associates.

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: Lee

Second by: Dickson

Vote: Unanimous.

A copy of Special Exception Use Application 15-SEU-10 addressing the findings is attached to these minutes.

Action #2: The Council approved a motion to make and accept the findings of fact as submitted by the petitioner to be recorded in the minutes for a waiver of regulations of Section 7.04 E. 4. Maximum Number of Off-Street Parking Spaces to allow for 100% of the provided parking between the front building line and front lot line in association with Development Plan Petition #15-DP-16.

A petition for a waiver of regulations of UDO Section 7.04 E. 4. Maximum Number of Off-Street Parking Spaces may only be granted upon the presentation of sufficient evidence to enable a written determination that:

1. *A parking demand study completed by a third party that provides evidence regarding:*
 - a. *Peak usage estimates based on reliable data collected from comparable uses located within the same or similar market areas as the Town of Holly Springs. Comparable uses will be determined based on density, scale, bulk, area, type of activity, and location; and,*
 - b. *Number of employees on the largest shift; and,*
 - c. *Minimum number of spaces needed to meet the parking demand for the specific use; and,*
2. *The granting of a waiver will not cause negative impacts on the environment or adjacent properties without the necessity of including mitigating elements such as additional screening, pervious pavement, shared parking, rain gardens, or that such elements are provided under the plan to the extent necessary to lessen the effects of any negative impacts; and,*
3. *The proposed development is consistent with the intent of the Comprehensive Plan; and,*
4. *The proposed development is consistent with the intent and purpose of this UDO.*

Motion by: Dickson

Second by: Cobb

Vote: Unanimous.

A copy of the waiver of regulations application addressing the findings is attached to these minutes.

Action #3: Having made findings of fact that the petition meets the requirements, The Council approved a motion to grant a waiver of regulations of UDO Section 7.04 E. 4. Maximum Number of Off-Street Parking Spaces to allow for 100% of the provided parking between the front building line and front lot line in association with Development Plan Petition #15-DP-16, as submitted by Hugh J Gilleece & Associates.

Motion by: Williams

Second by: Cobb

Vote: Unanimous.

Action #4: 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 Petition #15-SEU-10 to allow for a private recreation center at the property located at 399 Wildwood Farms Way, and Development Plan #15-DP-16 for Wildwood Recreation Lot, as submitted by Hugh J Gilleece & Associates dated revised 02/19/2016, 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 15-SEU-10.

Development Plan Conditions:

1. All previous approval conditions from Wildwood Subdivision will apply to this plan as well.
2. A fee-in-lieu of upgrade will be required for this project for the Pump Station and/or Force Main.
3. 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.

Motion by: Cobb

Second by: Dickson

Vote: Unanimous.

8d. Public Hearing: Rezoning Petition 15-REZ-08, Townes at Main – Mr. Ryan said the Town has received a request to rezone one parcel of land totaling approximately 0.58 acres from TV: Town Village to R-8 CU: Residential Conditional Use. The property is situated along the west side of S. Main Street, at the southwest corner of Main Street and Elm Street. The property is located within the Village District area and the R-8 CU: Residential Conditional Use request is consistent with the Village District Area Plan.

He said that 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 input was recorded:

Forman Beckwith, 4025 Harriett Drive, Apex – Mr. Beckwith said the zoning change would not be in keeping with development in the neighborhood of single-family homes.

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

Councilman Cobb pointed out that neither the current zoning nor the requested zone would allow single-family homes.

Action #1: The Council approved a motion to accept the following statement as being true: *The requested zone map change from TV Town Village to R-8 CU: Residential Conditional Use District is consistent with the Vision of Holly Springs Comprehensive Plan since the Village District Area Plan encourages the development of residential uses and indicates these properties as Residential on the Future Land Use Map. The R-8 CU: Residential Conditional Use District will provide for residential uses in the Village District and will expand upon the already built environment of the Village Core.*

Motion by: O'Brien

Second by: Dickson

Vote: Unanimous

Action #2: The Council approved a motion to adopt ordinance 15-REZ-08 to approve and enact Zone Map Change Petition #15-REZ-08 to change the zoning of 0.58 acres of Wake County PIN # 0649903163 from TV: Town Village to R-8 CU: Residential Conditional Use as requested by BBM Associates, Inc., with the following conditions as offered by the applicant:

1. Single family dwellings shall not be permitted.

Motion by: Dickson

Second by: O'Brien

Vote: Unanimous

A copy of Rezoning Ordinance 15-REZ-08 is attached to these minutes.

8e. Continue Public Hearing: Annexation Ordinance A15-05 – Ms. Clapp said the Town received a petition for voluntary annexation of approximately 47.5 +/- acres located along Grigsby Avenue.

She said the public hearing was opened Dec. 15. No comments were offered for or against the application. The public hearing was continued and remains open, and the petitioner is requesting that action be deferred until the April 19, 2016 meeting.

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

There being no input, the public hearing was continued.

Action: The Council approved a motion to continue open public hearing and approve to defer action on Annexation Ordinance A15-05 to resume on April 19, 2016.

Motion by: Dickson
Second by: Cobb
Vote: Unanimous

8f. Public Hearing: FY2016-17 Proposed Budget – Mr. Simmons said the public has been invited via the Town's Web site and local media to provide comments on the preparation of the Town's FY 2016-17 budget. Citizens have been invited to provide input as to what they feel are important programs, facilities or services.

He said the purpose of this pre-budget preparation hearing is to give folks a chance to have input before the budget process actually begins instead of having to wait until the end of the process when it may not be feasible to make adjustments.

He said this hearing is being held in addition to – and not instead of – the public hearing that is required by law later in the budget process. That hearing will be held in May or June.

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

Peter Villadsen, 213 Crissmill Lane – Mr. Villadsen requested that signal-lighted crosswalk beacons be installed on Holly Springs Road in the vicinity of Cayman Ave.

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

Action: None.

9. Consent Agenda: The Council approved a motion to approve all items on the Consent Agenda. The motion carried following a motion by Councilman Cobb, a second by Councilman Dickson and a unanimous vote. The following actions were affected:

9a. Resolution 16-05 – The Council adopted Resolution 16-05 declaring certain personal property un-surplus to the needs of the town. *A copy of Resolution 16-05 is attached to these minutes.*

9b. Resolution 16-06 – The Council adopted Resolution 16-06 declaring police equipment and miscellaneous items to be surplus to the needs of the town. *A copy of Resolution 16-06 is attached to these minutes.*

9c. Budget Amendment, \$38,000 - The Council adopted amendment to the FY 2015-16 budget in the amount of \$38,000 to transfer funds from sewer reserves for sludge removal. *A copy of the budget amendment is attached to these minutes.*

9d. NMAC Outdoor Fans - The Council approved a proposal from Arbon Equipment Corporation in the amount of \$36,425.00 to provide and install outdoor fans at the North Main Athletic Complex Baseball Stadium.

9e. Budget Amendment, \$41,940 – The Council adopted amendment to the FY 2015-16 budget in the amount of \$41,940 to transfer water meter revenue to water meter expense account.

9f. Resolution 16-08, 16-DPM-01, Amendments – The Council adopted Resolution 16-08 to adopt and enact Development Procedures Manual Amendment #16-DPM-01, to amend DPM Sections TOC: Table of Contents, 2.00: Zoning Map Change, 2.01: General Use Rezoning, 2.02: Conditional Use District/Permit, 2.03: Planned Unit Development, 3.00: Subdivisions, 4.00: Development Plans, and 4.01: Development Options. *A copy of Resolution 16-08 is attached to these minutes.*

9g. Monthly Budget Report – The Council received the monthly report of budget amendments approved by the town manager. *A copy of the budget amendment report is attached to these minutes.*

9h. Greenscape Contract Change Order 1 – This item was removed from the Consent Agenda during agenda adjustment.

9i. Resolution 16-09 – The Council adopted Resolution 16-09 declaring town vehicle surplus to the needs of the town. *A copy of Resolution 16-09 is attached to these minutes.*

9h. Greenscape Contract Change Order 1 – Mr. Bradley explained that work continues to move forward on the North Main Athletic Complex Phase 2. After the project was awarded additional funding from Wake County, landscaping that was omitted was added back. He said the

construction contractor quoted a change order to provide the landscaping but the price was too high. Mr. Bradley then approached the Town's landscaping contractor for other facilities, Greenscape Inc., for a change order quote. That quote came in at a cost savings.

Action: The Council approved change order #1 to Greenscape Inc. contract in the amount of \$89,973 for NMAC landscaping

Motion by: Lee

Second by: Dickson

Vote: Unanimous

10b. Main Street Extension and Avent Ferry Road/Bypass Improvement Projects – Ms.

Parrish said Town opened bids on Dec. 14, 2015 for Main Street Extension and Avent Ferry/Bypass projects. Due to the project's coming in over budget Town Staff met several times with NCDOT and was able to secure additional funding to cover 50% of the overages.

She said staff is recommending to award road improvement contract to Fred Smith and Company in the amount \$8,759,900, with a total amount of \$9,513,778.40, which includes contingency.

Action: The Council approved a motion to approve project budgets in the amount of \$12,682,120 for Main Street Extension (Account 48.602) and \$1,883,000 for Avent Ferry /Bypass Intersection Improvements (Account 48.611).

Motion by: Lee

Second by: Cobb

Action: The Council approved a motion to approve awarding a construction contract to Fred Smith & Company in the amount of \$8,759,900 and in total amount of \$9,513,778.40, which includes contingency, for road improvements for Main Street Extension and Avent Ferry/Bypass projects.

Motion by: Williams

Second by: Cobb

Vote: Unanimous.

10a. Main Street Extension and Avent Ferry Road/Bypass Improvement Projects – Ms.

Parrish said this request is to consider entering into a contract with Kimley Horn and Associates for construction and administration of Main Street Extension and Avent Ferry/Bypass projects. Due to the complexity of the proposed construction activities as well as the federal government requirements for funds, which include large amounts of documentation and inspections. The construction administration will need to be consulted.

Action 1: The Council approved a motion to approve entering into contract with Kimley Horn and Associates for construction and administration for Main Street Ext. and Avent Ferry/Bypass projects in the amount of \$767,377.

Motion by: Cobb

Second by: Dickson

Vote: Unanimous.

10c. Avent Ferry Force Main Upgrade Project – Mr. Levitt explained the Avent Ferry pump station conveys sewage via a force main line that runs through the Braxton Village and Holly Glen neighborhoods and discharges at the wastewater treatment plant. The existing force main and pump station combination currently have a capacity of 750 gallons per minute.

He said that continued development within the basin have caused the actual flow to the station to increase to a level that is nearing the capacity of the system. The engineering department has worked with Diehl and Phillips, P.A. to prepare the attached scope of services to increase the capacity of the system.

The plan involves replacing approximately 8,800 LF of 8" force main with a new larger diameter line. The proposed line will be an 18" diameter C905 PVC (hydrogen sulfide resistant) force main and will increase the capacity of the system from 750 GPM to 1,550-1,680 GPM with no modifications to the pump station. The new pipe line will also allow for a future project which will upgrade the pump station, while using the 18" line, to achieve a capacity of 3,600 GPM.

He said replacing the force main posed a significant challenge due to the fact that the line must remain in service during the duration of the project. Typical methods would call for a parallel line to be constructed along the existing line, which would also require the purchase of up to 50 easements (approximately \$250,000) from property owners in Holly Glen and Braxton Village and the time (approximately 6 months) to do so.

He said the proposed design will minimize the amount of easement required and also the time to acquire said easements for the project's construction. The line will be replaced in place by using some specialized valves and fittings and temporarily bypassing the flow through a temporary above ground line. While the proposed construction method will have a higher material cost there will be a net project savings in time and cost.

Action: The Council approved a motion to approve awarding design services and easement mapping contract to Diehl and Phillips, P.A. in the amount of \$70,720, plus contingency, totaling \$78,000 for the Avent Ferry Force Main Upgrade project.

Motion by: Dickson

Second by: Williams

Vote: Unanimous.

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

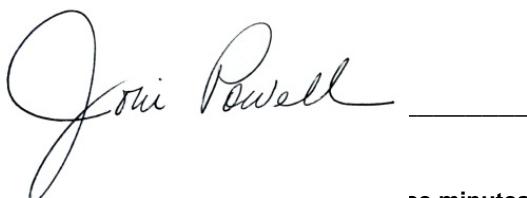
11. Other Business: None that resulted in Council action.

12. Manager's Report: None that resulted in Council action.

13. Closed Session: None.

14. Adjournment: There being no further business for the evening, the March 15, 2016 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, April 5, 2016.



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

