



**Sept. 5, 2017**

## **MINUTES**

The Holly Springs Town Council met in regular session on Tuesday, Sept. 5, 2017 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 Tom O'Brien, James Cobb, Hank Dickson and Peter Villadsen and Councilwoman 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; Adam Huffman, assistant parks and recreation director; Gina Clapp, director of planning and zoning; Matt Beard, planner; Sean Ryan, planner; Kendra Parrish, director of engineering; Aaron Levitt, senior engineer; Elizabeth Goodson, development review engineer; Mary Hogan, finance director; Leroy Smith, fire chief; Sean Cooper, information technology director; Irena Krstanovic, economic development director; John Herring, police chief; 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. Doug Parlin, pastor of South Wake Baptist Church.

**4. Agenda Adjustment:** The Sept. 5, 2017 meeting agenda was adopted with changes, if any, as listed below.

Remove from New Business items 11c. Spectrum agreement and 11d. Ting Fiber agreement addendum and add to Consent Agenda as 9n. and 9o.

**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:

Christine Kelly, 201 Grigsby Ave. – Ms. Kelly addressed the Council on the topic of a development plan for a building in the Main Street Square development. She said she had attended the Planning Board meeting during which development plan 06-DP-09-A06 for Main Street Square Elements C, D, and E was reviewed. She encouraged the Council to require the subject building to be two stories in keeping with the original Main Street Square project. She said the building will be located at the entrance into downtown and it should leave a good first impression she feels would not be the case with the one-story building described.

Stephen Reed, 211 Colson Dr., Garner – Mr. Reed addressed the Council. Mr. Reed said he is a principal in Pivot Physical Therapy that will occupy the proposed one-story building in Main Street Square. He said he was proud of the building design and looked forward to housing his business there.

Levi Boyd, Avance Care – Mr. Boyd spoke in support of the site plan for Main Street Square.

Angie Staheli, 212 Meares Bluff Lane – Ms. Staheli addressed the Council to encourage the preservation of the Needham Norris House on Avent Ferry Road. The historic home, she said, could be moved and/or restored in place by volunteers if the Town would do what it could to make sure the owner doesn't destroy it before a restoration and preservation project can be implemented.

Joe Fanjoy, 109 Fairgrounds Road – Mr. Fanjoy repeated his request that Grigsby Avenue be resurfaced and equipped with curb and gutter. He said he understands the street is a state-maintained roadway but he has been waiting several years patiently for it to be resurfaced. Ms. Parrish reported that Grigsby Ave. will be resurfaced by NCDOT in its upcoming street improvement project, and she would call to find out when the work might commence.

**6a. Childhood Cancer Awareness Month** - Recipients of this proclamation were present but left the meeting and could not be located as this agenda item began. Councilwoman Lee said Holly Springs High School students Megan Forrestal, Katie Kitching and Haileigh West are working on a Childhood Cancer awareness project for their Health Occupations Students of America club's Community Awareness event. The students would like to use a public tree in town to decorate for the cause. Councilwoman Lee said their idea is to plant yellow flowers around the base of the tree and allow the community to place gold ribbons and wind chimes on the tree to show support for Childhood Cancer Awareness during the month of September.

Mayor Sears said the students also plan to have a space at the Holly Springs Farmers Market to raise awareness of September as Childhood Cancer Awareness Month. They will be handing out bracelets and stickers while informing the citizens about the subject with information brochures.

Mayor Sears said he would wait and when the students returned to the meeting, he would then present the students with a proclamation designating September as Childhood Cancer Awareness Month in Holly Springs.

**Action:** None.

**6b. Holly Springs School of Dance** – Councilman Dickson said that in 1997, not many people believed in Holly Springs with its 5,000 or so people, a single elementary school and one grocery store. But a talented and creative young couple, Chris and Marilyn Chappell, did. They invested in the lonely business community here. They opened Holly Springs School of Dance.

Mayor Sears and Councilman Dickson recognized the Chappells for their faith in Holly Springs and for the success they have achieved during the past two decades. Holly Springs School of Dance has become an iconic symbol of our town, as Marilyn has encouraged her talented students to always represent their hometown with pride and respect. As well as being ambassadors of Holly Springs to far away places like New York City, the Holly Springs School of Dance students are heavily involved in the community, lending their talents to local events, festivals, parades and causes.

Marilyn says that what sets Holly Springs School of Dance apart from other schools -- the commitment to excellent instruction as well as our commitment to the community. She says she and Chris believe that dancers should use their gifts and talents to the betterment of the community. That's why they perform at senior citizens centers, participate in their Holiday Cabaret (which has raised thousands of dollars for the American Cancer Society's Relay for Life), dance with kids whose parents are terminally ill, perform at the Masonic Home for Children, and are artists-in-residence at local elementary schools, just to name a few.

Spring Dance Company, the school's resident company, is driven by the mission of bringing dance to people who may not otherwise experience it. Her dancers are learning lessons that will stay with them as they grow and develop into adult members of our communities.

**Action:** None. Mayor Sears presented the Chappells and Holly Springs School of Dance with a Certificate of Commendation for their investment and faith in the community of Holly Springs on the 20<sup>th</sup> anniversary of Holly Springs School of Dance.

**6c. Board of Adjustment Oath of Office** - Ms. Powell said that on July 17, the Wake County Board of Commissioners appointed two residents of the Town's extraterritorial jurisdiction to fill the ETJ seats on the Board of Adjustment.

Lois (Lisa) Semmens was appointed a regular member representing the ETJ; and Jeremy Hudson was appointed as an alternate member representing the ETJ. Ms. Semmens was an alternate member, and Mr. Hudson resumes her term upon her appointment as a regular member.

Ms. Semmens was administered the oath of office on Aug. 1. Ms. Powell administered the oath of office to Mr. Hudson.

**Action:** None.

**7a. 9/11 Dedication** - Fire Chief Smith announced the time and date of the Holly Springs Fire / Rescue Department's 9/11 memorial dedication. Chief Smith gave details of the ceremony and describe the memorial that will be unveiled. The public is invited to attend.

**Action:** None.

**7b. Downtown Area Plan** - Ms. Christine Kelly addressed the Council about her belief that there is a need for a traffic analysis of the downtown village district and an update to the Village District Area Plan, similar to the Southern Area Planning Initiative.

Ms. Kelly said she has reviewed the current Village District Area Plan (updated in March 2014), the Comprehensive Transportation Plan (published in June 2011) and the plans/maps found on the town's Website. Ms. Kelly said she feels it is a challenge and she has to be creative sometimes when she wants to get around in Holly Springs, so she feels officials should give transportation – particularly downtown transportation – careful consideration before approving any projects or street network changes.

She says she wants the Council to revisit the Village District Area Plan, particularly as it pertains to traffic flow.

She said her concern stems from a June call she received from the town's engineering department. During that conversation, she said, she was advised that a portion of Raleigh Street would be closed. She said it was the first she had heard of it and that her neighbors also were unaware. She said she felt such a major change should involve community input and participation in the process.

Ms. Kelly said she was told by staff that there is a transportation plan but it is only 75 percent complete, and she did not feel any decisions should be made until the plan is complete.

She added that she wanted an update to the Village District Area Plan so that making enhancements to our downtown area is based on current information, including the possible impact from new developments that already have been approved that will impact the local traffic.

Councilwoman Lee asked staff about Ms. Kelly's claim that the transportation plan for downtown is not complete.

Ms. Parrish explained that the description is true, but the description is a little misleading. She explained that a draft transportation plan for downtown was presented to Council in November 2015. The draft plan describes a grid of one-way street pairs to move traffic downtown and was in response to Council direction that citizens want a more vibrant downtown. A new roadway network was drafted to move traffic more efficiently and to make properties better suited for private non-residential development.

The plan was presented as a concept to determine if Council wanted to continue in that direction – to include one-way street pairs, Rogers Street extended and the closure of a portion of Raleigh Street -- before time and money was spent on more detailed analysis. In 2015, Council gave the nod for the draft plan to be formalized.

Ms. Parrish said when Ms. Kelly says traffic studies are only 75 percent complete, she may be referring to information provided by staff that traffic studies were done in January 2015, January 2016 and in association with the Town Hall Commons project in the spring of 2017; however, staff would like to get traffic counts for downtown since the completion of Main Street Extended. Since it

opened only a month ago, those counts have not yet been collected and figured in to the developing plan.

In the meantime, two separate private developers identified neighboring projects they want to build downtown, touching most of the streets featured on the draft downtown transportation plan.

Ms. Parrish said the development opportunity arose, and the designs for the project were done, using the draft transportation plan. While the traffic counts are being collected to figure in the impacts of Main Street Extension, the traffic counts, Ms. Parrish said, would not likely change the layout of streets in the draft transportation plan.

Councilman Dickson responded to Ms. Kelly's remarks, noting that the closure of a portion of Raleigh Street to eliminate its junction with Main Street also was on the draft transportation plan that was talked about by Council in open session. He feels the closure was a good idea because the extension of Rogers Street would butt up against the point where Raleigh Street conjoins with Main Street, creating a dangerous 5-point intersection.

**Action:** None.

**8a. Public Hearing: 17-SEU-04 / 17-MAS-05 / 17-WAV-19 Town Hall Commons / Detailed Master Plan** – Mr. Ryan said for the past several months, town staff have been actively working with several landowners to form a public / private partnership to jumpstart development in the core area of the Village District. Development of the Village District core has long been a goal for the Town. As outlined in the Village District Area Plan, the core is the most important area in our Village District. It is the focal point and the center of activity in the Village District. While several small projects have been completed by the Town and private landowners through the years, the last major commercial project in the Village District core was the Mims Towne Square project in 2002/2003.

He said the proposed master plan is the accumulation of the efforts of town staff, the town's consultant, and private landowner partners to establish the framework for new development in the downtown core. While individual development plans for each component of the master plan will follow and provide site specific details and building elevations, the master plan outlines some of the important public investments the Town will be making to support private investment in the Village District.

Ms. Goodson addressed the utility and roadway aspects of the plan.

She said the roadway aspects were presented to Council in a draft transportation plan in November 2015 at the Council's winter retreat meeting. The draft plan describes a grid of one-way streets to move traffic downtown and was in response to Council direction that citizens want a more vibrant downtown. A new roadway network was drafted to move traffic more efficiently and to make properties better suited for private non-residential development.

The draft transportation plan, Ms. Goodson said, shows Center Street as one-way in its current direction; Ballentine as one-way in the opposite direction; Rogers Street extended across Main Street as one-way parallel to Center Street; and Elm Street as one-way parallel to Ballentine Street. The draft also shows the closure of a portion of Raleigh Street to eliminate the 5-point intersection that would be created by the extension of Rogers Street.

Councilman Dickson earlier in the meeting, in responding to Ms. Kelly's remarks, had noted that the closure of a portion of Raleigh Street to eliminate its junction with Main Street also was on the draft transportation plan because:

- the extension of Rogers Street, necessary to create a workable grid of one-way streets and to facilitate development of property on Main Street, would butt up against the point where Raleigh Street conjoins with Main Street, creating a dangerous 5-point intersection;
- residents of Raleigh Street in 1998 before the Hwy. 55 Bypass was constructed had asked for and indicated a desire that that portion of Raleigh Street be closed to prevent traffic from veering off of Main Street onto Raleigh Street and disrupting the former quiet nature of their residential street; however, town officials said it would

consider the closure of Raleigh Street in the future when development occurred downtown (the town, instead, installed three-way stops on Raleigh Street to calm traffic.)

Having explained the draft transportation plan that had been given a positive consensus of agreement by Council in 2015, Ms. Goodson went on to say that staff had planned to update the plan to take into account the effects of the Main Street extension, which opened a month ago. Those traffic counts have not been collected or applied to the draft plan yet.

In the meantime, however, this project, which touches all of the streets featured on the draft transportation plan, arose. So, staff designed the public portion of the public/private project – public parking lot, streets and utilities -- with the draft transportation plan in mind. Downtown traffic counts that may change since the opening of Main Street Extended, Ms. Parrish said, would not likely change the layout of streets drawn on the plan. She added that the traffic impact analysis provided by the developer of the private portion of the project takes into account the additional traffic on Main Street that would result from the closure of the southern end of Raleigh Street.

Mr. Ryan said the Planning Board had reviewed the application and recommends approval.

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

Christine Kelly, 201 Grigsby Ave. – Ms. Kelly said she is excited about the project. She is, however, concerned about the restructuring of the roadway network. She stressed that residents of Raleigh Street were unaware that there are plans to close (a portion of) Raleigh Street and that they should have been notified and made a part of the decision-making process.

Jonathan Gibbons, 213 and 217 W. Ballentine St. – Mr. Gibbons said an approved entrance to 213 W. Ballentine Street from Avent Ferry Road is shown on this master plan to be removed. He said that is his main concern. He said he felt that the driveway will be removed eventually but he thinks it would have a negative impact on his property.

Tina Rimmer, 237 Raleigh Street – Ms. Rimmer said she was upset she wasn't notified that she was not notified that there were plans to close (a portion of) Raleigh Street (sic).

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

In discussion, Council and staff addressed concerns of residents regarding Raleigh Street. Staff noted that Raleigh Street is not being closed, but only the portion of Raleigh Street from Main Street to Grigsby Ave. Ms. Kelly had noted that many people use Raleigh Street as a parallel route to Main Street and would be affected by the closure. In discussion, Mr. Simmons made three points:

- the special exception use and master plan is a separate question and that approval of the master plan for the project would not close Raleigh Street – the closure would be a separate action with its own public hearing and opportunity for residents to provide input;
- if the road is closed, the traffic that Ms. Kelly had acknowledged, would be diverted to remain on Main Street, which is designed for a higher traffic volume than Raleigh Street;
- and the realignment and extension of Rogers Street would create a dangerous k-like intersection that would be dangerous, so the closure of a portion of Raleigh Street would be necessary for public safety.

There was no evidence presented to prevent the Council from making the necessary findings of fact, and, aside from the likely closure of a portion of Raleigh Street to accommodate the extension of Rogers Street, no speakers in the hearing voiced concerns about the project itself.

**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 #17-SEU-04 for Town Hall Commons / Public Parking to allow for a new project in the TV Town Village District, as submitted by CLH Design, PA.

**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 17-SEU-04 / 17-WAV-19 Town Hall Commons Master Plan are 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 7.05 D. Use of Required Off-Street Loading, to allow for the off-street loading space located on W. Ballentine St. to be signed for a commercial loading zone Monday-Friday between 7am and 4pm and as regular on-street parking outside of the designated hours in association with Master Plan 17-MAS-05 Town Hall Commons / Public Parking.

**Motion by:** Cobb

**Second by:** O'Brien

**Vote:** Unanimous

**Action #3:** Having made findings of fact that the petition meets the requirements to be granted a waiver of regulations of UDO Section 7.05 D. Use of Required Off-Street Loading, the Council approved a motion to approve waiver 17-WAV-19 to allow for the off-street loading space located on W. Ballentine St. to be signed for a commercial loading zone Monday-Friday between 7am and 4pm and as regular on-street parking outside of the designated hours in association with Master Plan 17-MAS-05 Town Hall Commons / Public Parking.

**Motion by:** Dickson

**Second by:** Villadsen

**Vote:** Unanimous

**Action #4:** Having made the necessary findings of fact, the Council approved a motion to approve Special Exception Use 17-SEU-04, as specified in Unified Development Ordinance Section 3.03 A. 2. a. TV: Town Village to allow for a new project in the TV Town Village District, and Detailed Master Plan 17-MAS-04 Town Hall Commons / Public Parking, at the properties generally located along S Main Street, south of W. Ballentine Street and east of Avent Ferry Road, specifically 0 & 212 Avent Ferry Rd.; 0, 300, 307, & 317 S Main St.; 300 Rogers St.; & 105 W. Ballentine St.; Wake County PINs 0649910188, 0649911181, 0649913237, 0649913308, 0649913117, 0649902993, 0649904993, & 0649819169, as submitted by CLH Design, P.A. with the following conditions:

Special Exception Use

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 17-SEU-04.

Master Plan Conditions

1. This project will be required to meet the Town of Holly Springs NPDES Ph. II Post Construction Stormwater Ordinance.
2. The following items must be addressed prior to the first construction drawing submittal:
  - a. Documentation in the form of a recorded plat must be provided for any offsite Right-of-Way dedication needed for this project.
  - b. All items listed on the Stormwater Submittal Checklist, Form #16003 must be included.
3. The following items must be addressed prior to construction drawing approval:
  - a. Approval of Stormwater Management Plan is required prior to issuance of a land disturbance permit or construction drawing approval.
  - b. All environmental permits must be obtained prior to construction drawing approval.
4. The following items will be required with each development plan:
  - a. An Engineer's sealed Water System Hydraulic Report will be required.

**Motion by:** O'Brien

**Second by:** Dickson

**Vote:** Unanimous

At this time, Mayor Sears asked the Holly Springs High School students who were not present at the opening of the meeting to approach the podium. He presented them with a proclamation designating September as Childhood Cancer Awareness Month in Holly Springs. He also provided a set of wind chimes to be placed in the tree.

**8b. Public Hearing: Malbec, LLC Development Agreement** – Ms. Krstanovic said this request is to consider an economic development agreement for property exchange, construction of a parking deck, and waiver or reimbursement of fees for a downtown area development and construction of a non residential use at or near the intersection of South Main Street and Rogers Street in Holly Springs. The real property exchange involves an approximate 0.70 acre portion of a town-owned lot with an address of “105 West Ballentine Street” located near the intersection

described above (Wake County PIN No 0649911181 (Deed Book 3823, Page 77, Wake County Registry). The property owner is Malbec, LLC.

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.

**Action:** The Council approved a motion to enter into a development agreement with property owner Malbec LLC, Holly Springs for property exchange, construction of a parking deck, and waiver or reimbursement of fees for a downtown area development and construction of a non-residential use at the intersection of South Main Street and Rogers Street.

**Motion by:** Dickson

**Second by:** Cobb

**Vote:** Unanimous

*A copy of a draft Malbec LLC development agreement is attached to these minutes.*

**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. Minutes – The Council approved the minutes of the Council's regular meetings held in August.

9b. Reclassify Administration Position – The Council approved to reclassify a vacant Senior Program Manager to a Project and Construction Manager, salary grade 84.

9c. Budget Amendment, \$19,454.40 - The Council adopted a \$19,454.40 amendment to the FY 2017-18 budget to use asset forfeiture funds to purchase tactical vest plates.

9d. Resolution 17-37 - The Council adopted Resolution 17-37 declaring equipment surplus to the needs of the Town.

9e. Budget Ordinance Amendment - The Council adopted an amendment to the FY 2017-18 budget ordinance to modify the fees for the winter farmers market.

9f. Lochridge Subdivision Entrance Sign Agreement - The Council accepted an indemnification agreement for Lochridge Subdivision entrance signs.

9g. 00-COM-02-A03, Sunrise United Methodist Church – The Council approved to extend the plan approval expiration for 00-COM-02-A03 for Sunrise United Methodist Church to March 19, 2018.

9h. Budget Amendment, \$5,000 – The Council adopted a \$5,000 amendment to the FY 2017-18 budget to replenish funds put toward the installation of the sound system at Ting Stadium.

9i. Tractor Purchase – The Council approved the purchase of a tractor for Bass Lake Park.

9j. Sugg Farm Building Floor Repairs – The Council approved work to add a floor to a Sugg Farm building and adopted an associated budget amendment.

9k. Budget Amendment – The Council adopted amendment to the FY 2017-18 budget to transfer funds to cover the Mills at Avery Ferry infrastructure reimbursement agreement.

9l. Douglas Chapel Church Waterline Easement Compensation – The Council approved to provide compensation to Douglass Chapel Church for a waterline easement.

9m. Youth Football Games First Aid Coverage Agreement – The Council approved to retain Select PT to provide on-site first aid at home parks and recreation youth football games.

9n. Spectrum Contract – The Council approved to enter a 36-month contract with Spectrum for dedicated fiber internet service for redundant internet connectivity.

9o. Master Dark Fiber Agreement Addendum – The Council accepted an addendum to the Master Dark Fiber Agreement between the Town of Holly Springs and Ting Fiber, Inc.

**10a. 16-DP-09 Downton Square Townhomes** – Mr. Beard said the Town has received a request to build 88 townhomes on W Holly Springs Road, that will provide interconnectivity from W Holly Springs Road to Oak Hall. Downton Square will be developed in the R-MF-8 zoning district.

He said the Town Council previously heard this petition Dec. 20, 2016 and April 4, 2017. On Dec. 20, the Town Council approved a motion to defer action to give the applicant an opportunity to reassess and reconfigure the road network so that it would be less impactful.

On April 4, the Town Council deferred action until such time that the full access drive to the west is constructed. The applicant has since revised their development plans to include a full access drive to the west of the 88-unit townhome project. Although the road to the west is not yet constructed, they have added this road to their plans for consideration by the Council.

**Action:** The Council approved a motion to approve Development Plan #16-DP-09, Downton Square Townhomes, submitted by Lennar Carolinas, LLC, project number: 03-15202 dated revised 08/08/2017 with the following conditions:

1. This project will be required to meet the Town of Holly Springs NPDES Ph. II Post Construction Stormwater Ordinance.
2. With the first submittal of Construction Drawings the following items must be address:
  - a. A point-by-point photometric plan for all site lighting shall be submitted to the Department of Planning & Zoning for review and approval prior to CD approval. (must show lighting at proposed right-of-way).
  - b. Provide a calculated pavement design for the thoroughfares shown on this plan.
  - c. Provide documentation in the form of a recorded plat of any required offsite sewer easements.
  - d. Provide a cost estimate for converting the overhead electrical power to underground lines along the frontage and continue to work with staff to determine how the overhead power will be addressed.
  - e. All items listed on the Stormwater Submittal Checklist, Form #16003, must be included.
  - f. There cannot be an increase in the post condition flows for the 100 yr. 24 hr. storm from the site.
  - g. 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 plat recordation 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.
  - h. Provide documentation in the form of a recorded plat of any required offsite sewer easements.
3. Prior to construction drawing approval, the following items must be addressed:
  - a. Payment of the Stormwater Fee-in-Lieu will be required prior to construction drawing approval.
  - b. This project is located in a basin where the Town has an approved flood study. Accordingly, a flood study will be required to meet the Town's policy for Hydrologic Basin Models (Town Policy - P-018). The flood study will need to be updated to reflect this project and will need to demonstrate that development of the site will not raise established flood levels. Retention or detention may be required to accomplish this. The following is the approved flood study that this project will need to update: Winward Pointe
  - c. Approval of Stormwater Management Plan is required prior to issuance of a land disturbance permit or construction drawing approval.
  - d. Note that Gremar Drive will need to be closed, temporarily during construction of this project. This road shall be opened once 90% of the COs are obtained.
4. Prior to the first plat associated with this project, the following items must be addressed:
  - a. The full access (offsite street access) for the project (Street B) must be installed.
  - b. Homeowner's Association covenants shall be recorded with the first plat associated with this subdivision.
5. The following items ,must be submitted no later than five (5) days after Town Council"
  - a. Revise plan to show the new fire hydrant on Street B near the intersection of W. Holly Springs Road that is called out on Sheet C2.1.

- b. Revise plans to show a sewer stub added off of Street B to the adjacent Dumbarton property.

**Motion by:** Dickson

**Second by:** Cobb

**Vote:** Unanimous

**11a. 06-DP-09-A06 Main Street Square Elements C, D, and E** - Mr. Ryan said the Main Street Square Planned Unit Development (PUD), originally submitted in 2005, was intended to provide an ideal setting for a creative, mixed use development that advanced the principles of traditional neighborhood development. The plan consists of multifamily apartments, condominiums, townhomes, and single-family dwellings, as well as office and retail spaces.

The applicant is requesting to amend Building 1 located in Element C, D, & E of the Main Street Square PUD. The current approved plan is for a two (2) story, 21,000 square foot office and retail building. The applicant is proposing to modify the building to one (1) story with 10,500 square feet of office and retail. The building footprint will not change, except for minor modifications to show actual modulations in the building façade. New elevations for the building are included with this amendment. Element C, D, & E was last modified in 2013 to reduce Building 5 (Dunkin' Donuts / Garner Appliance building), directly across Werrington Drive from Building 1, from a two (2) story building to a one (1) story building.

Mr. Ryan said the Planning Board discussed the following issues and concerns at its meeting Aug. 22:

- How the proposed changes would relate to the existing portions of Main Street Square and, more particularly, the directly adjacent buildings.
- If a two-story building would provide a better buffer from noise for buildings in the interior.
- Concerns about how the changes will affect the project and how Main Street Square looks and feels. The Board discussed both the negative and positive impacts the requested amendment could have on the entrance to Main Street Square.
- If the short-term gains of development were more important than the long-term prospect of potentially having a two-story building on this site.

Mr. Ryan reported that the Planning Board recommends approval of the application following a 6-2-1 vote. Members voting against the motion were: Mr. Stolarik, who stated that the request is not consistent with the intent of Main Street Square or the original approval of the project; and Mr. Johnson, who agreed.

Mr. Ryan said the applicant was available to answer questions.

Marty Bizzel of Bass, Nixon and Kennedy in Raleigh – Mr. Bizzel addressed the Council. He said the building is technically a story and a half. He added that a two story building is not required by the Planned Unit Development document although most of the buildings in Main Street Square are at least two stories tall. He said, however, it was not a requirement of the PUD document.

Trey Adams, Bass Nixon and Kennedy – Mr. Adams showed elevations of how the building would look, creating what he called a nice “bookends” kind of appearance. He also noted that the building is attractive and does not come across as a one-story retail building but more of a polished professional building with interesting and attractive architectural features.

Councilwoman Lee said if the building were to be located in the Village District, she might feel more strongly about its being two story; however, the building is located on the outer edge of town and the outer edge of Main Street Square and she feels it would be attractive.

Councilman Dickson said he had no issues with the fact that the building is not two story, but he hesitates because the building’s architectural design is so different that the rest of Main Street Square. He said it looked more in keeping with buildings in the Holly Springs Business Park but not with the charm of the building designs in Main Street Square.

He said he would have looked to have seen something less modern and pedestrian-friendly.

Councilman Villadsen said his concern is based on long-term effect of reduced non-residential square footage.

Councilman Dickson said he would be more enthusiastic if the architectural details were closer to existing Main Street Square buildings or were more attractive. He said he didn't necessarily want to vote against

In Council discussion, there was some reluctance of the Council to approve a change that includes a building that is somewhat different in appearance and flavor than existing nearby buildings.

**Action:** The Council approved a motion to defer action on Development Plan Major Amendment #06-DP-09-A06 for Main Street Square Elements C,D, & E Amendment as submitted by Bass, Nixon, and Kennedy, Project Number 04-08042, dated Revised 08/07/2017 to allow the applicant time to submit new elevations more similar to the existing Main Street Square architecture.

**Motion by:** Dickson

**Second by:** Lee

**Vote:** Unanimous

**11b. System Development Fee Study** - Ms. Parrish said the North Carolina General Assembly recently passed House Bill 436. The bill adds Article 8- System Development Fees to Section 162A of the General Statutes. This article describes the requirements and process for municipalities to develop and administer system development fees.

She said the contract not only will meet the need of the new HB 436 requirement, it will dig deeper and expand our current water and wastewater planning efforts and capital infrastructure plan which supports our System Development Fees.

**Action:** The Council approved a motion to retain Freese and Nichols for a development fee study to meet the requirements of a new state law and to expand water and wastewater planning efforts and to adopt the associated budget amendments.

**Motion by:** Lee

**Second by:** O'Brien

**Vote:** Unanimous

**11c. Spectrum Backup Fiber Internet Service Agreement** - This item was moved to Consent Agenda as 9n.,during agenda adjustment.

**11d. Ting Fiber License Agreement Addendum** - This item was moved to Consent Agenda as 9o.,during agenda adjustment.

**12. Other Business:** None that resulted in Council action.

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

**14. Closed Session:** The Council approved a motion to enter into Closed Session, pursuant to N.C.G.S. 143-318.11(a)(5) to consider the price and terms of a contract concerning the acquisition of real property located in the Village District.

In Closed Session Council members discussed terms and the merits of an offer by an owner in the Village Office Condos. The owner would offer the Town the chance to buy his office suites for tax value. The space could be used by the Town for office space, or it could be sold at a profit, or it could be used as a rental revenue source.

After much discussion, the Council felt the decision would cost nothing at this time and would be a good investment for the Town in the future.

**Action:** The Council approved a motion to authorize the town manager to write a letter of intent to purchase space that may become available in the future in the Village Office Condos for tax value as offered by the current owner.

**Motion by:** Cobb

**Second by:** Lee

**Vote:** Unanimous

**13. Adjournment:** There being no further business for the evening, the Sept. 5, 2017 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, Oct. 3, 2017.

*Joni Powell* \_\_\_\_\_



and are a part of the official record.