



Oct. 17, 2017

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Oct. 17, 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; Daniel Weeks, assistant town manager; Adam Huffman, assistant parks and recreation director; Len Bradley, parks and recreation director; Gina Clapp, director of planning and zoning; Matt Beard, planner; Sean Ryan, planner; Jessica Stygles, farmers market coordinator; Kendra Parrish, director of engineering; Elizabeth Goodson, development review engineer; Rachel Jones, development plan reviewer; Mary Hogan, finance director; Leroy Smith, fire chief; Billy Whitehead, information technology technician; 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.

4. Agenda Adjustment: The Oct. 17, 2017 meeting agenda was adopted with changes, if any, as listed below. None.

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:

Linda Kent, 101 Dutch Hill Rd. – Ms. Kent addressed the Council to express her opinions about the clear-cutting of trees. She asked for more town limitations on developers.

Van Crandall, 4813 Salem Ridge Rd. -- Mr. Crandall addressed the Council as to the development plan review processes. He said he believes plans should not go to the Town Council unless approval is recommended by the Planning Board.

6a. Strategic Transportation of Prioritization Report - Ms. Parrish explained the Strategic Prioritization Process is the methodology that NCDOT uses to develop the State Transportation Improvement Program (STIP). The process involves scoring all roadway, public transportation, bicycle, pedestrian, rail, and aviation projects on a number of criteria. Metropolitan Planning Organizations (MPOs), Rural Planning Organizations (RPOs), and the NCDOT Division offices also contribute to the final project score by assigning local priority points to projects.

She said the N.C. Department of Transportation's transportation plan – called the State Transportation Improvement Program – identifies the construction funding and scheduling for transportation projects at the state level over a 10-year period. Although federal law requires the

plan to be updated every four years, the Department proactively updates it every two years to ensure it accurately reflects the state's current financial situation.

The data-driven process to update the State Transportation Improvement Program for 2020-2029 – called strategic prioritization – began in summer 2016 when NCDOT and local planning organizations gathered public feedback on projects and later submitted projects to be evaluated – or scored – for the plan.

From July to September 2017, NCDOT's 14 transportation divisions – as well as local planning organizations across North Carolina – tested and submitted projects to be evaluated. In August 2017, NCDOT divisions held public meetings to gather public feedback on projects to submit for evaluation.

She said the next steps NCDOT will review and score projects that were submitted for evaluation. By the end of March 2018, top-scoring projects at the statewide level will be scheduled based on available funding and other factors. (These factors include the completion of environmental studies and engineering plans, corridor spending caps as well as federal and state funding restrictions.)

Beginning April 2018, NCDOT divisions and local planning organizations will have the opportunity to assign "local input points" that help increase a project's score and demonstrate local priorities. This will first occur for projects at the regional level, followed by projects at the division level. Public feedback is a key component of the assignment of local input points.

Similar to the statewide level, top-scoring projects at the regional and division levels will be scheduled based on available funding and other factors. This information will then be used to create the next STIP for the years 2020-2029. NCDOT expects to release a draft of the STIP for public comment in January 2019. The final STIP is expected to be adopted by the N.C. Board of Transportation by July 2019.

Action: None. This report was for the Council's information.

6b. Holly Springs Farmers Market 11th Season – Ms. Stygles said the Holly Springs Farmers Market is pleased to announce that we have once again been rated as the #1 most celebrated farmers market in North Carolina—and #9 nationwide in the annual American Farmland Trust Farmers Market Celebration competition. She added that we just wrapped up our 11th season, which set a new attendance record with an estimate of more than 21,000 attendees.

We have expanded our upcoming winter farmers market season to two dates each month. The first Saturday of each month, November through April will be held outside at our "usual" market location in the E. Center Street public parking lot across from town hall. Then, the third Saturday of each month will be held inside the Cultural Center. We are holding a "Battle of the Badges" chili cook off between the Holly Springs Fire Department and Holly Springs Police Department on Nov. 4 to celebrate our hometown heroes and kick off our new outdoor winter market season.

Action: None. This report was for the Council's information.

7a. Public Hearing: Rezoning Petition 17-REZ-03 - Mr. Beard said the Town has received a request to zone 11.47 acres located on Sunset Lake Road from R-30: Residential to R-10 CU: Conditional Use Residential . The property is bordered by an R-10 Subdivision (Sunset Pointe) to the north and an R-8 Subdivision (Tuscany) to the south.

He said the developer offered the following commitments:

1. A roadway connection to the adjoining Tuscany Subdivision via Murano Ct be barricaded until 80% of the homes to be constructed on the property are complete – tracked via issuance of certificates of occupancy
2. Pending approval from NCDOT and the Town of Holly Springs, during infrastructure installation, construction traffic shall access the development site from Sunset Lake Road and avoid using Edwards Drive.
3. One-half of the cross-section of the planned Edwards Drive Extension will be constructed to the point where access to the development from the Edwards Drive Extension is achieved. Only the right of way associated with that section of the constructed Edwards Drive

Extension will be dedicated.

4. The Town requires certain fees to be paid upon development of land and for the granting of a building permit. Said fees are listed in the Town's annual budget, and with this rezoning the Developer agrees he/she (i) is familiar with these fees, (ii) does not dispute the reasonableness of these fees as set forth in the Town's annual budget; and (iii) notwithstanding any reimbursements discussed at this time through an Infrastructure Reimbursement Agreement, hereby agrees to timely pay all normal and customary fees applicable to Developer in connection with the Residential Project. Such fees are listed in the current year annual budget of fees at the time the fee is due under the ordinary course of development.

He said the zoning conditions are offered by the property owners to be placed on the property and are not required by the Town. A Conditional Use District allows the Petitioner to place specific conditions on the property that are more restrictive than the minimum zoning regulations in the Town's Unified Development Ordinance. Once a petitioner has placed such conditions with the Zoning Map Change request, they cannot be removed or modified to reduce the restriction. During the review and consideration process the petitioner may add 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.

Mr. Beard said the planning board had reviewed the application and recommends denial. He added that comments offered by the Planning Board regarding the vote to deny included:

- Mr. Johnson stated he did not agree with allowing less than the minimum required transportation improvements for this project especially due to its location
- Mr. Hughes stated the importance of the extension of Edwards Drive for the interconnectivity for proposed changes between Sunset Lake Road and Kildaire Farm Road
- Mr. Carpico did not agree with allowing less than the minimum required off-site improvements.

At this time, Don Mizelle of Withers and Ravenel addressed the Council on behalf of the property owner. He introduced Charles Frances, who gave a history of the ownership of the original 54-acre Florence family tract and explained that this portion is owned by an heir of the original owner. He said he feels requiring the extension of Edwards Drive would be unjust and illegal.

He said it is unjust because dedication of two acres for the roadway would represent \$200,000 of uncompensated taking for a roadway when the 21 lots of the development on the property would not have in any way that much impact on the local transportation system.

He urged the Council to approve the rezoning petition with conditions as submitted or, at least, to table a decision. He said he was committed to litigating if the Council chooses to deny the request.

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

Courtney Patterson, representing the Sunset Pointe Homeowners Association – Ms.

Patterson asked that the Council direct developers of Peterson Station and this development to schedule construction to not occur at the same time so as not to negatively impact the residents of Sunset Pointe.

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

Mr. Schifano advised the Council that the question before them is a legislative decision of zoning, which is not going to be overturned by a court. He said the Council is required to rezone in keeping with its comprehensive land use plan, an element of which is the comprehensive transportation plan.

There was discussion about the conditions requiring the construction of Edwards Drive extended or at least the dedication of right of way. The applicant position is that this would be a disproportionate hardship and financial burden on the owner who would not need the extension of Edwards Drive to develop the property.

The Council agreed that the application is not consistent with the Comprehensive Transportation Plan in that the CTP states that the ultimate road network for this area includes extending Edwards Drive through the subject property. The Town has a 5-year Capital Improvement Plan approved by the town council listing projects that might be funded in the next five years, and construction of Edwards Drive extension is not currently on that plan and, therefore, it is not proposed to be funded. Unless and until Edwards Drive is extended in this location, the proposed rezoning is not consistent with the transportation objectives of the comprehensive plan of the Town.

That said, the Council expressed a desire to meet the applicant in a compromise.

Councilman O'Brien said he would be in favor of tabling action on the rezoning until the applicant could address the Planning Board concerns. He said he would like any application amendments to go through Planning Board review before returning to the Council.

Action: The Council approved a motion to table action on proposed ordinance 17-REZ-03 to change the zoning of 11.47 acres from R-30: Residential to R-10 CU: Conditional Use Residential until such time as the petition is amended and reexamined by the Planning Board.

Motion by: O'Brien

Second by: Lee

Vote: Unanimous

7b. Public Hearing: Rezoning Petition 17-REZ-04 – Mr. Beard said the Town has received a request to zone 0.54 acres at the northeast corner of N. Main Street and Earp Street from LB: Local Business to TV: Town Village. The property is bordered to the north, east and west by LB: Local Business, including single-family and vacant properties, and to the south by TV: Town Village, which is vacant.

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 #1: The Council approved a motion to accept the following statement as being true: *"The requested zone map change from LB to TV is consistent with the Holly Springs Ten Year Comprehensive Growth Plan since the Future Land Use Plan Map indicates this property as Mixed-Use in the Village District Area Plan and the TV: Town Village district supports mixed-use development."*

Motion by: Lee

Second by: Cobb

Vote: Unanimous

Action #2: The Council approved a motion to adopt ordinance 17-REZ-04 to approve and enact Zone Map Change Petition #17-REZ-04 to change the zoning of 0.54 acres of Wake County PIN #'s 0649924862 and 0649924764 from LB: Local Business to TV: Town Village as submitted by Matthew Griffith.

Motion by: Cobb

Second by: Dickson

Vote: Unanimous

A copy of Ordinance 17-REZ-04 are attached to these minutes.

7c. Public Hearing: Special Exception Use 17-SEU-05 and Development Plan Amendment 17-DP-08, Devil's Ridge Golf Club – Mr. Beard said that Devils Ridge Golf Club has requested approval to build an expansion to their Clubhouse on the property at 5107 Linksland Drive. The applicant has submitted a development plan for a 1,200 square foot porch expansion as well as a Special Exception Use petition that is required to establish a golf course use in the R-15: Residential district. The property would continue to be accessed from Linksland Dr.

The golf course originally was built under the Town's former zoning ordinance and did not obtain a Special Exception Use (SEU). Since the adoption of the Unified Development Ordinance (UDO) in November 2002, the golf course and clubhouse has been deemed a legal non-conforming use as such land uses now require a SEU approval by the Town Council. Although the proposed addition meets the requirements for an administrative review, because of the need to obtain an SEU to do an expansion, the expansion is being brought before the Town Council along with the SEU to clean up the "non-conforming" status. There are no other modifications planned for the golf course property or clubhouse than what is presented with this request.

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:

Isabell Mattox, attorney – On behalf of the applicant, Ms Mattox established the findings of fact and entered them into the record. She also established the professional knowledge and expertise of witnesses for the applicant, Erin Brooks and property appraiser Tom Hester.

Ryan Griffis, 4804 Sunset Forest Circle -- Mr. Griffis is an adjoining property owner. He said he supported the addition of the patio.

William Skirball, 4800 Forest Circle --- Mr. Skirball is an adjoining property owner. He said he challenges the findings of fact, particularly because of noise, parking and property values. He submitted a police call report of a noise complaint into the record. He said noise is a constant concern and it will get worse with the proposed expansion.

The proposed patio proposes an exposed outdoor bar expansion – roughly eight feet away from the existing indoor bar, Mr. Skirball said.

Erin Brooks, Springside Drive – Ms. Mattox asked Ms. Brooks questions, which she answered under oath. She said noise is contained to the interior of the building and at times music is played outside but in compliance with the town's noise ordinance.

Ms. Mattox noted for the record that the only noise complaint ever filed is the one Mr. Skirball mentioned, and that one occurred last Monday and was filed by his wife.

Tom Hester, property appraiser -- Mr. Hester, who has been a property appraiser for 30 years, said in his opinion, the club has no negative impact on neighboring property owners. He said can look at actual existing values, as opposed to proposed uses; so he is confident in his assessment that the extension of the patio would not negatively impact the value of neighboring properties.

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

Action #1: The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for Special Exception Use Petition #17-SEU-05 for Devils Ridge Golf Club to allow for a Golf Course in the R-15: Residential District as submitted by Wes Pontius.

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: Villadsen

Vote: Unanimous

A copy of Special Exception Use #17-SEU-05 findings of fact are attached to these minutes.

Action #2: Having made the necessary findings of fact, the Council approved a motion to grant Special Exception Use #17-SEU-05 to allow for a Golf Course in the R-15: Residential District and Development Plan #17-DP-08 for Devils Ridge Golf Club at the property located at 5107 Linksland Drive, Wake County PIN's 0659964245, 0669054275, 0659955204, 0659720523, 0659704343, 0659916210 and 0658897674 as submitted by ClubCorp and Timmons Group, Project Number 38878, dated Revised 8/18/2017 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 17-SEU-05.

Development Plan Conditions:

1. All previous approval conditions for *Devil's Ridge* Development Plan will apply to this amendment.

Motion by: O'Brien

Second by: Villadsen

Vote: Unanimous

7d. Public Hearing: Special Exception Use 17-SEU-08 and -12 and Variances / Waivers, Town Hall Commons – Mr. Ryan said that September of 2017, the Town Council approved the Town Hall Commons / Public Parking Master Plan that established the framework for the development of parcels within the master plan boundaries. The first component of the master plan is the Development Plan, and the associated Special Exception Uses, variances, and waivers, for the Town's portion of the project.

He said the proposed development plan consists of the two-level parking garage -- also known as a table top parking deck – a surface parking lot on the west side of Avent Ferry Road, street improvements to Main Street, Avent Ferry Road, Rogers Street and Ballentine Street, the construction of the new W. Rogers Street, on-street parking, sidewalk and streetscape enhancements, and common stormwater management.

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 addressed the Council to say she believes there have been ethical violations by some Council members, the mayor and the town attorney.

Mr. Schifano advised Ms. Kelly that she was making serious charges under oath, and he gave her the opportunity to recant her allegations. She said she did not wish to recant. He pressed her to be specific in her charges. Ms. Kelly referenced sentences and paragraphs of the Town of Holly Springs Code of Ethics for Public Officials P-21.2, alleging that various Council members (specifically, Councilmen Dickson and Cobb, Councilwoman Lee and Mayor Sears) and the town attorney had violated those provisions. She did not say with specificity how those provisions had been violated.

After much testimony that was not on the topic of the special exception use findings of fact, but was Ms. Kelly making allegations of public official wrongdoing, Mr. Schifano advised Ms. Kelly that since she was including him in her allegations, she should file her grievances with the Town Manager, per the policy.

Ms. Kelly said she – as a candidate for public office who is subject to the same ethics policy – had signed the policy herself and would be expected to uphold those ethics.

Still under oath, Ms. Kelly submitted her grievances to the Town Manager.

(Off-Record Note: In the following days, it was determined that Ms. Kelly was alleging 53 separate instances of ethic violations. Independent counsel was hired to investigate the claims. The investigator found no basis for any of the claims.)

(On Record Testimony Resumed) Ms. Kelly said she felt that the Town Hall Commons Project should not move forward until the Village District Area Plan for downtown has been updated. She said this project appears to require the closing of Raleigh Street, and she said that should not be done until the VDAP is updated. She claimed that the closing of Raleigh Street is in the process without public notice.

Chris Harol, 129 Chandler Springs Dr. – Mr. Harol addressed the Council to speak in favor of the project. Mr. Harol is a local businessman who researched the area and chose Holly Springs for his growing enterprises. He is planning to construct one of two buildings that will use the public infrastructure.

He said the one thing he feels is missing in Holly Springs is a true downtown. For us this is a big deal, he said. He and the principal of the Town Hall Commons project are citizens and business owners in Holly Springs and they are making an investment in downtown of nearly 100,000 square feet of office, restaurant and retail space. In addition, our companies are in four locations, and this will allow us to be in the same location, he said.

He added, “Our plans are in jeopardy. While I want to be sensitive to this request that the VDAP be updated before the plan is approved. Requiring an updated VDAP and delaying the closing of a small portion of Raleigh Street will be devastating to us and the Town that stands to lose four businesses.” Mr. Harol said the Town is on the cusp of something great, let’s not put it in jeopardy. He noted that the VDAP would not change, and a traffic impact analysis has been done taking into account the impacts of the development. Those studies show that the traffic improvements that are planned will serve the project and the town.

Stephen Chan, 309 Sunset Grove Drive – Mr. Chan addressed the Council to explain that 15 years ago, he started Rendering House, growing the business from the bonus room in his home. Rendering House grew into a medium size company that is one of the top such companies in the country. He said he had considered relocating outside of Holly Springs as his business grew, but he is committed to staying in Holly Springs as Rendering House will move into the Town Hall Commons project. He said his company is bursting at the seams, but he believes he can hold out until Town Hall Commons is built; but not with the delays of a VDAP update.

He said a VDAP update would actually be more valid and complete if done after the Town Hall Commons project is on the ground.

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

Action #1: The Council approved a motion to adopt Resolution #17-46 to make and accept the findings of fact for Special Exception Uses 17-SEU-08 and -12; variances of development

standards 17-VARTC-04, -05 and -06; and waivers of architectural and design requirements 17-WAV-23 and -25 as submitted by CLH Design PA & Little Diversified Architectural Consulting.

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: Cobb

Second by: Dickson

Vote: Unanimous

A copy of Resolution 17-46 adopting Special Exception Use #17-SEU-08 and 17-SEU-12 findings of fact and Variances 17-VARTC-04, -05 and -06 and Waivers 17-WAV-23 and -25 are attached to these minutes.

Action #2: Having made the necessary findings of fact, the Council approved a motion to grant waivers of regulations of UDO Section 3.08 Architectural & Site Design Requirements 17-WAV-23 and -25 in association with development petition #17-DP-10 for Town Hall Commons / Public Parking, as submitted by CLH Design PA & Little Diversified Architectural Consulting.

Motion by: Dickson

Second by: Cobb

Vote: Unanimous

Action #3: Having made the necessary findings of fact, the Council approved a motion to approve Variance Petitions:

1. **17-VARTC-04:** for a variance from Unified Development Ordinance Section 3.03 B. 2. a. Front Yard and Building Setback, to allow for a reduction in the minimum front yard along Avent Ferry Road from 5 feet to 0 feet. The property is located at 105 W. Ballentine Street and is further described with the following Wake County PIN: 0649911181.
2. **17-VARTC-05:** for a variance from Unified Development Ordinance Section 3.03 B. 2. a. Front Yard and Building Setback, to allow for an increase in the maximum front yard along the proposed W. Rogers Street from 15 feet to 120 feet. The property is located at 317 S. Main Street & 105 W. Ballentine Street and is further described with the following Wake County PINs: 0649913117 & 0649911181.
3. **17-VARTC-06:** for a variance from Unified Development Ordinance Section 3.03 B. 4. a. 1. Minimum Building Height, to allow for a decrease in the minimum building height from 25 feet to 16 feet 10 inches for the two level parking garage. The property is located at 0, 307, & 317 S Main St.; & 105 W. Ballentine St.; Wake County PINs, 0649911181, 0649913237, 0649913308, & 0649913117.

Motion by: Lee

Second by: Cobb

Vote: Unanimous

Action #4: Having made the necessary findings of fact, the Council approved a motion to approve Special Exception Uses and Development Plan 17-DP-10:

1. **17-SEU-08:** to allow for a Special Exception Use 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 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; and
2. **17-SEU-12:** to allow for a Special Exception Use as specified in Unified Development Ordinance Section 3.03 A. 2. g. TV: Town Village to allow for a parking garage in the TV Town Village District at the properties generally located along S Main Street, south of W. Ballentine Street and east of Avent Ferry Road, specifically 0, 307, & 317 S Main St.; & 105 W. Ballentine St.; Wake County PINs, 0649911181, 0649913237, 0649913308, & 0649913117.
3. **Development Plan 17-DP-10** for Town Hall Commons / Public Parking & Infrastructure, as submitted by CLH Design PA & Little Diversified Architectural Consulting, project number 17-120 dated revised 10-5-2017 with the following conditions.

Special Exception Use Conditions:

17-SEU-08

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-08.

17-SEU-12

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-12.

Development Plan Conditions:

1. All previous approval conditions for Town Hall Commons Master Plan apply to this plan as well.
2. This project will be required to meet the Town of Holly Springs NPDES Ph. II Post Construction Stormwater Ordinance.
3. The following items must be addressed prior to the first construction drawing submittal:

- a. All items listed on the Stormwater Submittal Checklist, Form #16003, must be included with the first construction drawing submittal.
- b. Provide a public waterline extension to the Evans and McNeil properties.
- c. A point-by-point photometric plan for all site lighting (not including public right-of-way street and pedestrian lights) in conformance with lighting levels specified in UDO Section 7.02.

4. The following items must be addressed prior to construction drawing approval:

- a. Right-of-way dedication will be required prior to construction drawing approval.
- b. All environmental permits must be obtained prior to construction drawing approval and/or issuance of a land disturbance permit for the entire project.
- c. Approval of Stormwater Management Plan is required prior to issuance of a land disturbance permit or construction drawing approval.
- d. The street closing procedure for the portion of Raleigh Street that is closing with this project must be completed.

5. Prior to the submittal of any UDO Permit for Sign Installation for permanent signage, a Master Sign Plan must be submitted to the Department of Planning & Zoning for review and approved by the Town Council.

Motion by: Villadsen

Second by: Dickson

Vote: Unanimous

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

8a. Minutes – The Council approved the minutes of the Council's regular meetings held Sept. 19 and Oct. 3, 2017.

8b. Budget Amendment Report – The Council received a report of monthly administrative budget amendments approved by the Town Manager. *A copy of Budget Amendment report is attached to these minutes.*

8c. Resolution 17-43 – The Council adopted Resolution 17-43 urging a safe and courteous Halloween. *A copy of Resolution 17-43 is attached to these minutes.*

8d. Resolution 17-44 – The Council adopted Resolution 17-44 directing the town clerk to investigate the sufficiency of annexation petition A17-04 and setting a public hearing on the question of annexation for Tuesday, Nov. 7, 2017. *A copy of Resolution 17-44 is attached to these minutes.*

8e. Mills at Avery Ferry IRA Budget Amendment – The Council adopted a \$21,450 amendment to the FY 2017-18 budget to move funds for the Mills at Avent Ferry Infrastructure Reimbursement Agreement.

8f. Budget Amendment – The Council adopted amendment to the FY 2017-18 budget to cover the close-out of the Kruger contract for odor control.

8g. Resolution 17-45 – The Council adopted Resolution 17-45 declaring certain personal property surplus to the needs of the town. *A copy of Resolution 17-45 is attached to these minutes.*

9a. Comprehensive Transportation Plan – Ms. Parrish said the Town's Comprehensive Transportation Plan originally was adopted in June 2011 and most recently updated through an amendment in July 2013. This document serves as the town's multimodal transportation plan. As the document is used and the Town experiences growth, additional updates need to be made. It is anticipated that a larger scale update will occur around 2019 once the Southwest Area Study (SWAS) and Southern Area Planning Initiative (SAPI) are complete.

This update is a clean-up amendment only. It includes minor updates that bring this document in sync with updates made to the Engineering Design and Construction standard details in June 2015, and text changes in 2017, as other corrections or clarifications needed. Primarily

Figures 3.4 and 3.7 were updated and the cross-section details have been removed from the text of Section 3 since they are in the Engineering Design and Construction Standards.

The updates with this amendment include:

- All cross-sections dimensions were adjusted to make uniform - specifically utility strips, sidewalk and right-of-way dimensions. This resulted in a few cross-sections changing a few feet on several cross-sections.
- All cross-section details were removed and reside in the Engineering Design & Construction Standards only. The legend of Figure 3.4 was updated to reflect the cross-section details number reference
- Through coordination with Wake County and Apex, an adjustment was made to the proposed throughfare alignment through the landfill.
- The extension of Grigsby Avenue through the Sugg Farm Park was removed due to the conservation designation of this property
- Stephenson Road was modified to have a 3 lane road cross-section specified
- Sportsmanship Way was modified to reflect updated alignment.
- A modification to Ralph Stephens Road was made to reflect the median spacing modification needed due to the power lines, gas lines and environmental features.

Ms. Parrish said that at this time no changes have been made to the downtown roadway network.

Action: The Council approved a motion to approve the revisions to the Comprehensive Transportation Plan.

Motion by: O'Brien

Second by: Cobb

Vote: Unanimous

9b. Needham-Norris Site Project - Mr. Simmons said after several weeks of negotiations with the landowner for the purchase of the site of the Needham-Norris house at 2329 Avent Ferry Road, the town management has reached terms favorable to the developer for purchase of the house. The developer requires the purchase of two building lots, as the house currently sits "off center" to one lot such that it would not meet the setback criteria. The developer's price terms are \$190,000 in cash and a waiver of approximately \$43,000 in a stormwater escrow payment.

Action: The Council approved a motion to authorize the town manager and town attorney to enter into a purchase agreement for two lots with Avent Ferry Developers to secure the purchase of the house located at 2329 Avent Ferry Road.

Motion by: Lee

Second by: Dickson

Vote: Unanimous

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

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

12. Closed Session: None.

13. Adjournment: There being no further business for the evening, the Oct. 17, 2017 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, Dec. 5, 2017.

Joni Powell

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