



Nov. 7, 2017

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Nov. 7, 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; Len Bradley, parks and recreation director; Gina Clapp, director of planning and zoning; Matt Beard, planner; Kendra Parrish, director of engineering; Elizabeth Goodson, development review engineer; Mary Hogan, finance director; Leroy Smith, fire chief; Jeff Wilson, 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.

4. Agenda Adjustment: The Nov. 7, 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: None.

6a. Public Hearing: Annexation Ordinance A17-04 – Ms. Clapp said the Town has received a petition for voluntary annexation of 6.0 +/- acres located in the vicinity of Estes Lane and Grigsby Avenue. The property owner is Patel Vadi LLC, and the property is contiguous with city limits. The petition meets all the statutory requirements for annexation.

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

There being no input, the public hearing was closed.

Action: The Council approved a motion to adopt Annexation Ordinance A17-04, annexing 6.0 +/- acres owned by Patel Vadi, LLC, and more particularly described as Wake County Pin: 0658.38-8919, into the corporate limits of the Town of Holly Springs.

Motion by: Dickson

Second by: Cobb

Vote: Unanimous

A copy of Annexation Ordinance A17-04 is attached to these minutes.

6b. Public Hearing: Special Exception Use 17-SEU-11 and Development Plan 17-DP-13, Town Hall Commons / 242 S. Main St. – Mr. Ryan said the that in September 2017, the Town Council approved the Town Hall Commons master plan that established the framework for the development of parcels within the master plan boundaries.

He said the first component of the master plan, approved in October 2017, was a development plan for the two-level parking garage (also known as a table top parking deck,) 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 constitution of the new W. Rogers Street, on-street parking, sidewalk and streetscape enhancements and common stormwater management.

The subject development plan continues the development of the Village District core area and is the second component of the master plan.

The proposal is for a mixed use integrated center containing approximately 44,640 square feet of floor area over two stories. All of the required parking for this project will be provided from the two-level parking garage located directly behind the building

Jonathan Keener, 2721 Toxey Dr., Raleigh -- Representing the applicant, Mr. Keener addressed the Council to explain the project and related applications for waivers and variances.

He said the first floor would be 22,300 square feet of retail space, and the second floor would be 21,500 square feet of office space. A focal point fountain would be located at the Ballentine Street facing side. He presented artist renderings that illustrated the project and also the reason for the requested waiver and variance.

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: None.

There being no testimony, the public hearing was closed.

Action #1: The Council approved a motion to adopt Resolution #17- 47 making and accepting the necessary findings of fact for Special Exception Use 17-SEU-11; Variance Of Development Standards 17-VARTC-08; and Waiver of Architectural and Design Requirements 17-WAV-26 as submitted by the Timmons Group as specified in Exhibit A.

Motion by: O'Brien

Second by: Dickson

Vote: Unanimous

A copy of Resolution 17-47 and Exhibits are attached to these minutes.

Action #2: Having made the necessary findings of fact, the Council approved a motion to approve 17-WAV-26, a waiver of UDO Section 3.08 Architectural and Site Design Requirements, to allow for a reduction in the minimum building base from 9% to 7.5% on the north, south, east, and west façades in association with development plan petition #17-DP-13 for Town Hall Commons as submitted by the Timmons Group.

Motion by: Cobb

Second by: Dickson

Vote: Unanimous

Action #3: Having made the necessary findings of fact, the Council approved a motion to approve Variance Petition 17-VARTC-08 granting 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 W. Rogers Street from 5 feet to 0 feet at the property located at 0; 307; & 317 S. Main Street and is further described with the following Wake County PINs: 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 Use 17-SEU-11 to allow for a new project in the TV Town Village District, and Development Plan 17-DP-13 for Town Hall Commons 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; Wake County PINs 0649913237; 0649913308; & 0649913117, project number 99999, dated revised 10/19/2017 as submitted by the Timmons Group, 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-11.

Development Plan

1. All previous approval conditions for the Town Hall Commons Master Plan (17-MAS-05) will apply to this plan as well.
2. If site lighting is added, a point-by-point photometric plan must be submitted with the first review of construction drawings.
3. 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.
4. Prior to construction drawing approval, the Water System Hydraulic Report must be approved.

Motion by: Dickson

Second by: Cobb

Vote: Unanimous

6c. Public Hearing: 17-DDI-03, Anderson Chiropractic – Ms. Krstanovic said the Town has received a request for Downtown Development Investment (Town Policy Statement P-33.1) from Anderson Chiropractic Center business owner Dr. Chad Anderson for the property located at 131 W Holly Springs Rd.

She said that in accordance with the Town's DDI policy, he has requested to be reimbursed up to 50% for public infrastructure that is required to be upgraded and added as a part of the development plan approval for the proposed new 2,670 Square foot commercial building.

Ms. Krstanovic explained reimbursement of public infrastructure improvements are limited to 50% of the actual total cost or \$25,000, whichever is less, and recommends that these contributions be paid out of the Town's Street Reserves and Utility Reserves accounts.

For this project the committee recommends the following: Infrastructure reimbursement of **\$23,000** representing 50% toward the estimated \$46,850 in public infrastructure costs including:

- off-site sidewalks,
- ADA ramps,
- off-site open cut boring for new fire hydrant,
- off-site traffic control,
- off-site median demo and extension,
- six-inch water line for new fire hydrant,
- 6'x12' tap for new fire hydrant,
- new fire hydrant,
- six-inch gate valve for new fire hydrant,
- relocation of water meter.

The following performance criteria shall apply:

- a. The Developer shall install the infrastructure according to Town standards.

- b. The Department of Engineering must inspect the work prior to acceptance of the improvements.
- c. Within 30 days of approval, the applicant must submit to the Department of Engineering an invoice with attached paid invoices to the contractor, and the Town will reimburse the applicant within 30 days of receipt.

The DDI Committee's recommendation has been affirmed by the Town Manager and is now before the Town Council for public hearing and determination.

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 Downtown Development Investment Agreement with Anderson Chiropractic Center business owner Dr. Chad Anderson for the property located at 131 W Holly Springs Road in Holly Springs to reimburse up to \$23,000 in public infrastructure improvements for a total expenditure estimated at \$46,850.

Motion by: Cobb

Second by: Dickson

Vote: Unanimous

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

7a. Budget Amendment, \$70,000 – The Council adopted an amendment to the FY 2017-18 budget to transfer \$70,000 in fiber optic revenue and expenses to the General Fund.

7b. Budget Amendment, \$2,305 – The Council adopted an amendment to the FY 2017-18 budget to transfer \$2,305 for the 919 Marketing downtown development investment agreement.

7c. Resolution 17-48 - The Council adopted Resolution 17-48 directing the town clerk to investigate the sufficiency of annexation petition A17-03 and setting a public hearing on the question of annexation for Tuesday, Nov. 21, 2017. *A copy of Resolution 17-48 is attached to these minutes.*

7d. Town Hall Commons Project - The Council approved to award contract to CLH Design, P.A., for waterline design and permitting services in the Town Hall Commons infrastructure project.

7e. Wayfinding Signs Project - The Council approved to retain Frazier Associates for \$4,000 to make and submit revised plans to NCDOT in the wayfinding signs project.

7f. Resolution 17-49 - The Council adopted Resolution 17-49 declaring certain personal property surplus to the needs of the Town. *A copy of Resolution 17-49 is attached to these minutes.*

7g. Ting Park Gateway Sign Policy – The Council approved policy for content on Ting Park gateway sign.

7h. Main Street Square Bond Agreement – The Council approved bonding agreement for Main Street Square and authorize its execution.

8a. 17-MAS-16, Dreamland Subdivision – Mr. Beard said the Town has received a request for a 10-lot subdivision north of Grigsby Ave along Estes Ln. The subject property is zoned R-10 Residential with a proposed density of 1.67 units per acre. The proposed subdivision meets all the development standards of the R-10 zoning district and is consistent with the comprehensive plan.

Action: The Council approved a motion to approve Preliminary Plan 17-MAS-06 for Dreamland as submitted by Pabst Design Group, PA, Project Number 358-17, dated Revised 10/9/2017 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. 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.

3. The following items must be addressed prior to construction drawing approval:
 - a. A photometric site lighting plan shall be submitted to and approved by the Department of Planning & Zoning for any lights provided on the amenity center parcel.
 - b. Street trees locations shall be shown with approved lighting fixture locations shall be positioned as to not interfere with any lighting fixtures or any site distance triangles.
 - c. A fee-in-lieu of upgrade will be required for this project for the Pump Station and/or Force Main.
 - d. Homeowner's Association covenants shall be recorded with the first plat associated with this subdivision. Submit a draft copy for review during construction drawing review.
 - e. 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 125% 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.
 - f. Approval of Stormwater Management Plan is required prior to issuance of a land disturbance permit or construction drawing approval.
 - g. Payment of the Stormwater Fee-in-Lieu will be required.
 - h. All environmental permits must be obtained prior to construction drawing approval and/or issuance of a land disturbance permit for the entire project.
 - i. A flood study is required to meet the Town's policy for Hydrologic Basin Models (Town Policy - P-018). The flood study needs 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: Remington.
4. The following items must be addressed prior to recording of the first plat:
 - a. Dogwood Circle will be renamed to eliminate a duplicate road name within the corporate limits of Holly Springs

Motion by: Villadsen
Second by: Cobb
Vote: Unanimous

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

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

11. Closed Session: The Council entered into closed session, pursuant to N.C.G.S. 143-318.11(a)(5) to discuss with the town attorney a matter of real property acquisition, including property downtown and for the widening of Avent Ferry Road.

In closed session, the Council gave direction to the Town's attorney.

No action was taken in closed session, other than a motion to return to open session. The motion to return to open session was made by Councilman O'Brien and seconded by Councilwoman Lee. The vote was unanimous.

12. Adjournment: There being no further business for the evening, the Nov. 7, 2017 meeting of the Holly Springs Town Council was adjourned.

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Joni Powell _____

Items follow and are a part of the official record.

