



June 1, 2010

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, June 1, 2010, 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: Councilmen Jimmy Cobb, Parrish Womble, Chet VanFossen and Tim Sack and Councilwoman Linda Hunt Williams and Mayor Sears.

Council Members Absent: None.

Staff Members Present: Carl Dean, town manager; Chuck Simmons, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Linda Harper, deputy town clerk; Drew Holland, finance director; Len Bradley, director of parks and recreation; Gina Clapp, director of planning and zoning; Michelle D'Antoni, communications specialist; Elizabeth Goodson, development review engineer; John Herring, police chief; and Stephanie Sudano, director of engineering.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Councilman Parrish Womble.

4. Agenda Adjustment: The June 1, 2010 meeting agenda was adopted with changes, if any, as listed below.

Motion By: Sack

Second By: Cobb

Vote: Unanimous

Items added to Agenda: None.

Items removed from Consent Agenda: 6h., Revenue Bond matters.

Items removed from the agenda: None.

Other changes: None.

5. Public Comment: At this time, an opportunity was provided for members of the audience who had registered to speak to address the Council on any variety of topics not listed on the night's agenda. The following input was recorded.

Van Crandall, 4813 Salem Ridge Road -- Mr. Crandall expressed concerns of impropriety if the town were to award community agency grant funding to the Holly Springs Arts Council. Mr. Crandall said that the Arts Council had hosted a social reception for then-candidates Linda Hunt Williams, Jimmy Cobb and Mayor Sears. He presented information to the Council regarding IRS regulations stating that non-profit organizations with the 501-3c designation are prohibited from engaging in political activities supporting specific candidates when not all candidates are invited.

He said he did not think it was appropriate that now Council members Williams and Cobb are a review committee that is recommending a grant award to the Holly Springs Arts Council. He added that he does not believe it is appropriate that the Arts Council receive public

funding at all.

6. Consent Agenda: The Council approved a motion to approve all remaining items on the Consent Agenda. The motion carried following a motion by Councilman Sack, a second by Councilman VanFossen and a unanimous vote. The following actions were affected:

6a. Minutes – The Council approved minutes of the Council’s special retreat meeting held March 5-7, 2010.

6b. Resolution 10-16 -- The Council adopted Resolution 10-16 directing the town clerk to investigate the sufficiency of annexation petition A10-03 and setting a public hearing on the question of annexation for Tuesday, June 15, 2010. *A copy of Resolution 10-16 is incorporated into these minutes as addendum pages.*

6c. Resolution 10-17 – The Council adopted Resolution 10-17 directing the town clerk to investigate the sufficiency of annexation petition A10-04 and setting a public hearing on the question of annexation for Tuesday, June 15, 2010. *A copy of Resolution 10-17 is incorporated into these minutes as addendum pages.*

6d. Budget Amendments, \$105,000 - The Council adopted amendments to the FY 2009-10 budget in the amount of \$105,000 to appropriate funds for sludge removal and utilities for pump stations. *Copies of the budget amendments are incorporated into these minutes as addendum pages.*

6e. Budget Amendments, \$44,000 - The Council adopted amendments to the FY 2009-10 budget in the amount of \$44,000 for the final Raleigh water capacity charges. *Copies of the budget amendments are incorporated into these minutes as addendum pages.*

6f. HSTV-11 Policy Statement Amendment - The Council adopted Policy Statement Amendment P-035.1 providing for limited commercial sponsorships and community postings on HSTV-11. *A copy of Policy Statement PS-035.1 is incorporated into these minutes as addendum pages.*

6g. Holly Springs Parks and Recreation Policy Manual Amendments – The Council approved amendments to the Holly Springs Parks and Recreation Policy Manual.

6h. Water and Sewer Revenue Bond Order - This item was removed from the Consent Agenda during agenda adjustment.

7a. Community Agency Grants – Councilman Cobb said as the fiscal year draws to a close, 12 civic groups submitted applications for funding from this year’s grant program.

Because requests totaled more than \$20,000, and the Town has only \$15,000 in the grant program line item, the review committee of Councilman Cobb and Councilwoman Williams have formed recommendations that do not necessarily award all funding that is requested.

The committee recommends award of \$13,400 in grant assistance to 11 of the groups applying as follows:

Holly Springs Women's Club	\$ 500.00
F-V Emergency Food Pantry	\$2,000.00
Holly Springs Community Band	\$2,000.00
HS Rotary Club	-0-
HSHS Band Boosters	\$2,000.00
HSHS Fine Arts Booster	\$ 500.00
HSHS PTSA	\$2,000.00
HS Arts Council	\$1,500.00
Golden Hawks Club	\$1,500.00
Holly Springs Dance Co.	\$ 400.00
HSHS Cheerleading	\$ 500.00
dba Southern Wake Academy	\$ 500.00
Total:	<u>\$13,400.00</u>

Councilman Womble said he was concerned that the Rotary Club request was not being recommended for funding.

The Rotary Club had requested \$2,500 for the Million Meals project that provides meals to hungry people in foreign countries.

Councilmen Sack and Cobb explained that the grant application review criteria, which are based on law, prohibit the Council from honoring the Rotary Club's request because the purpose stated in the application would use the funds not for the benefit of Holly Springs taxpayers but for citizens of foreign countries.

Councilwoman Williams said the Rotary Club's Million Meals project is a noble one, but it does not qualify for public funding.

Councilmen Womble and VanFossen, who are Rotary Club members, disagreed, both saying that the Rotary Club does a lot of other projects in the community and that it deserved funding for those activities.

They suggested that the Rotary Club resubmit its application and correct the basis for its request from the Million Meals project to some other project.

Ms. J. Powell interjected that two other groups had missed the deadline to apply and had been instructed to apply for the new grant round that could be moved up to be held in July. She suggested that the Council should allow the Rotary to resubmit at that time so that the Council is treating all groups equitably.

A consensus of Council members nodded agreement.

Action: The Council approved a motion to approve to award the community grants as recommended by the committee in the total amount of \$13,400.

Motion By: Sack

Second By: Williams

Vote: The motion carried following a 3-2 vote. Councilmen Cobb and Sack and Councilwoman Williams voted for the motion. Councilmen Womble and VanFossen voted against.

7b. Avent Ferry Road Minor Subdivision – Ms. Clapp said that the Mable Holland family has owned a large number of acres along Avent Ferry Road for a number of years. Due to financial hardships, the family started subdividing these acres in 2008 as necessary to sell off tracts for single-family development. The last minor subdivision, recorded in April 2010, subdivided the subject property into three lots. On May 17, 2010 Town staff received another minor subdivision request for the same property in order to create four lots.

She said the property owner has already dedicated additional right-of-way for improvements to Avent Ferry Road and no utility improvements are planned for the area in the near future. The only issue that is precluding the Mable Holland family from doing this subdivision is a limitation in the Town's Unified Development Ordinance regarding how often a property can be subdivided without full Town Council action. The UDO states that the same parcel cannot be considered for an additional minor subdivision for a period of three years from the date of the original final plat of the minor subdivision.

She said the purpose of this rule is to keep developers from continually requesting minor subdivisions (4 parcels or less) of a property to increase the number of buildable lots by Minor Subdivision to avoid meeting the Town's subdivision requirements. According to this rule, a second Minor Subdivision of the Holland property cannot occur until April 2013 unless a waiver is granted by the Town Council.

She said since this proposed Minor Subdivision will not be dangerous to the public health, safety and welfare, staff is in support of a waiver to allow the Holland family to complete this subdivision.

Action #1: The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for a waiver petition for 1719 Avent Ferry Road to allow for a second

minor subdivision of the property within three years as submitted by Tim Congleton, dated May 19, 2010.

Waivers may only be approved upon making written findings upon the evidence presented in each specific case that:

- (1) The granting of the *waiver* will not be detrimental to public safety, health or welfare or injurious to other property;
- (2) Conditions upon the request for a *waiver* are unique to the property for which a *waiver* is sought and are not applicable generally to other property;
- (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is not carried out;
- (4) The *waiver* will not contravene the provisions of this UDO or the *Comprehensive Plan*; and
- (5) Where the *waiver* impacts on the design, construction or maintenance obligations of public facilities, that the appropriate public agency has reviewed and approved the proposed development in writing and the subdivider has submitted a copy of such approval.

Motion By: Sack

Second By: VanFossen

Vote: Unanimous

Action #2: Having made the necessary findings of fact that the petition meets the requirements to be granted a waiver, the Council approved a motion granting a waiver of regulations of UDO Section 9.05, B. – Platting, Recombination and Vacation Procedures, to allow for a minor subdivision of 1719 Avent Ferry Road as requested by Tim Congleton, dated May 19, 2010.

Motion By: Sack

Second By: Womble

Vote: Unanimous

7c. Parks and Recreation Advisory Committee Appointments – Mr. Bradley said that the Parks and Recreation Advisory Committee currently has four vacancies to fill. One vacancy is due to the resignation of a board member while the other three are due to expiring terms in June.

Mayor Sears asked Council members to make nominations, and the top four vote getters were confirmed as members of the Holly Springs Parks and Recreation Advisory Committee.

Action: By a straw vote on each application, The Council reappointed Kevin Adams, Kenneth Henke, and Wanda Holloway and appointed new applicant Kari McCloud to the Holly Springs Parks and Recreation Advisory Committee.

7d. New Hill Transportation Improvement Plan Amendment – Ms. Goodson explained that on May 6, 2008, the Town Council voted to approve New Hill Place Master Plan (08-MAS-01.) Subsequently, a Transportation Improvement Plan (08-MAS-01-A01) outlining the major improvements associated with this project was submitted and brought before the Town Council for approval on November 18, 2008.

She said at that time there were still discussions going on between the applicant and NCDOT about the required improvements along NC55 Bypass (G.B. Alford Highway.) Those discussions are finished with the result's being replacement of the future interchange entrance into the development with a superstreet.

Action: The Council approved a motion to approve the amended Preliminary Plan #08-MAS-01-A03 for New Hill Place Schematic Master Plan as submitted by Stantec Consulting

Services, Inc. on May 17, 2010 with the following conditions:

1. All previously approved conditions (amended as noted below) for this plan will also apply to this amendment.
2. Label thoroughfare to be maintained by NCDOT; plans must meet NCDOT standards and be approved by NCDOT as well as the Town. The Town will accept the road for maintenance during the "interim period" between completion and NCDOT acceptance subject to conditions as spelled out in the developer agreement.
3. Provide revised Transportation Improvement Plans within 30 days of approval addressing the following comments:
 - a. Submit a schedule for all transportation improvements (including signals) to be added to TIP plan; specific with which development phase each improvement (including signals) will be done;
 - b. Show signal locations on the cover sheet;
 - c. Show Controlled Access fencing locations on the plan; fencing material should be approved by Planning & Zoning Department and NCDOT before it is installed.
4. Thoroughfare design to include environmental permitting for future four lanes; all crossings to be permitted and installed to future 4 lane conditions.
5. Revise turn lanes to meet NCDOT requirements per May 24th, 2010 meeting.
6. Street stub out to Forest Springs may change alignment; reflect this on the TIP.

The following previous conditions (amended as noted below) also still apply to the

TIP plan:

1. A detailed preliminary plan must be reviewed and approved by Staff prior to the first development plan submittal for each phase.
2. The following items are to be included with the first non-residential development plan submittal:
 - a. The location and design of the open space required per UDO § 3.08,B.,7.
 - b. Master Plan amendment that includes the following:
 - I. Detailed architectural and site design guidelines for the development.
 - II. Master Sign Plan and sign waiver (waiver is optional).
3. New traffic signals are required to be Decorative Mono-curve Mast Arm signals (subject to NCDOT and/or Town approval depending on party responsible for maintenance) for this project with the exception of new signals for GB Alford Highway. Straight arm signals are permitted on GB Alford Highway.
4. The Town of Holly Springs' Green Oaks Parkway project is under construction and the Town will make modifications necessary to Green Oaks Parkway only up to the radius points on Green Oaks Parkway – to be compatible with the developer's superstreet design. All other improvements to install the superstreet will be the responsibility of the developer (including any environmental permits necessary to complete the improvements).
5. A fee-in-lieu of upgrade will be required for this project for the downstream oversized Twelve Oaks Pump Station, Force Main and Outfall.
6. Reimbursement of the cost of gravity sewer line upsizing through Forest Springs will be required for this project as memorialized in a letter from the developer.
7. This project and all related development plans will be required to meet the new Town of Holly Springs Post Construction Stormwater Ordinance.
8. If the downstream offsite sewer lines associated with Forest Springs development are not constructed at the time of the first construction drawing approval associated with this plan, the construction of those lines will be the responsibility of the developer with this project. Note that the developer will be requesting assistance from the Town with land acquisition via a developer's agreement.
9. The following items are required with each development plan associated with this Master Plan:

- a. An Industrial Sewer Permit Short Form
 - b. A Grease Trap Form
 - c. Update the draft flood study update for the downstream Forest Springs Flood Study and demonstrate that the development of each internal site will not raise established flood levels.
 - d. The site plan must show that no building area is located within a BMP easement.
10. The following items are required with the first development plan or construction drawing associated with this Master Plan: A detailed engineer's sealed hydraulic waterline system analysis documenting fire flow in accordance with Town Standards is required for this project. Additional waterline connections may be required upon approval of the report by the Town. Any revisions to waterlines shown on this plan will require an amendment to be submitted by the developer for review and approval. (The Hydraulic Analysis has been received and is under review)
11. The following items are required with the first construction drawing submittal associated with this Master Plan: This project is located in an area that is subject to the Town's policy on flood studies. It is located in a basin where the Town has an approved flood study (Forest Springs) that 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.
12. The following items are required prior to the 1st construction drawing approval (with the exception of the Green Oaks Parkway Superstreet) associated with New Hill Place (clarification provided to this condition):
- a. Off site sewer easements for each phase as shown on the Master Plan (2 phases, 3 off site sewer lines) must be recorded prior to the first construction drawing approval that occurs in each phase.
 - b. All environmental permits must be approved and submitted for the entire project prior to first construction drawing approval (with the exception of the GOP superstreet) associated with New Hill Place.
 - c. Offsite right-of-way dedication will be required to be recorded for required transportation improvements for the whole project.
13. The following items are required prior to the construction drawing approval for each phase:
- a. An Environmental Development Permit will be required
 - b. This project will be required to meet the Town's new TN requirements for stormwater and pay a stormwater fee-in-lieu for any TN reduction requirements not met on the site. The Final Stormwater Management Plan must be approved and stormwater fee-in-lieu paid.
14. The following conditions represent requirements associated with the Transportation Improvement Plan:
- a. Documentation provided to the Town of Holly Springs of NCDOT's approval of the TIA.
 - b. Right-of-way needed for all required road improvements must be secured by the developer and documentation provided to the Town. This will likely include areas along superstreet bulb outs, the interchange, New Hill Road and Old Holly Springs/Apex Road.
 - c. The access points shown on the TIA do not match the Master Plan. The master plan will need to be revised to address this item through a minor amendment prior to the Subdivision Plan approval.
 - d. Provide documentation of all NCDOT approvals including driveway access, superstreets, control of access break, TIA, etc.
 - e. The ROW/access break secured from NCDOT ROW Access Committee for this project must include a C/A break for an extension of a thoroughfare east of GB

Alford Highway, including all payments to NCDOT required for a future thoroughfare connecting to this point. (condition amended, per latest NCDOT approval).

- f. ~~The overpass bridge and approaches will be designed and constructed in a manner such that future expansion of the bridge can accommodate pedestrian traffic.~~ (condition amended, per latest NCDOT approval).
 - g. The superstreet must be designed on GB Alford highway at any of the at-grade crossing (New Hill Rod and Green Oaks Parkway) to accommodate future pedestrian refuge which meets current NCDOT standards.
15. Provide revised Transportation Improvement Plans within 10 days of approval addressing the following comments:
- a. Show sidewalk on both sides of the new Thoroughfare and note that the sidewalk shall be constructed at the time of each phase. *Comment addressed on revised plans dated **June 9, 2009***
 - b. Clarify the phasing of proposed road improvements. *Comment addressed on revised plans dated **June 9, 2009**.*

8. Other Business: Councilman VanFossen said he was disappointed in the grant program motion.

Mayor Sears reported on progress that is being made – thanks to some hard-working volunteers – on a home renovation for a single mom whose teenage son recently suffered an accident that left him a quadriplegic. The volunteers are transforming the family's garage into a studio apartment for the young man.


Mayor Sears said he wanted to recognize volunteers at the June 15 Council meeting.

9. Manager's Report: Mr. Dean reminded the Council about Town Hall Day at the General Assembly.

10. Closed Session: None.

11. Adjournment: There being no further business for the evening, the June 1, 2010 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman VanFossen, a second by Councilman Womble and a unanimous vote.

Respectfully Submitted on Tuesday, June 15, 2010,



Joni Powell, CMC, Town Clerk

Addendum pages as referenced in these minutes follow and are a part of the official record.

