

# Holly Springs Town Council Minutes

Regular Meeting  
March 3, 2009

## MINUTES

The Holly Springs Town Council met in regular session on Tuesday, March 3, 2009, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Dick Sears presided, calling the meeting to order at 7 p.m. A quorum was established as the mayor and five council members were present as the meeting opened.

**Council Members Present:** Councilmen Vinnie DeBenedetto, Chet VanFossen, Parrish Womble, Tim Sack, and Hank Dickson and Mayor Sears.

**Council Members Absent:** None.

**Staff Members Present:** Carl Dean, town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Linda Harper, deputy town clerk; Gina Clapp, director of planning and zoning; Laura Powell, Planner I; Stephanie Sudano, director of engineering; Kendra Parrish, senior engineer; Len Bradley, parks and recreation director; John Herring, police chief; Daniel Weeks, project analyst; Drew Holland, finance director; and Mark Andrews, public information officer.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Bishop Savoldi of the Church of Jesus Christ of Latter Day Saints.

**4. Agenda Adjustment:** The March 3, 2009 meeting agenda was adopted with changes, if any, as listed below.

**Motion By:** Sack

**Second By:** Dickson

**Vote:** Unanimous

**Items added to Consent Agenda:** 7k., resolution for application for economic stimulus funds; 7l. set a special meeting for 7 p.m.

Thursday, March 19.

**Items removed from Consent Agenda:** 7i., Stewart contract.

**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:

Dan Tingen, 8411 Garvey Drive, Raleigh – Mr. Tingen addressed the Council on behalf of the Homebuilders Association of Wake County.

He said all are hoping for an economic upturn in the latter half of 2009. He asked the Council to consider the housing industry when setting out the upcoming budget, keeping in mind that development fees would impact builders and that builders will be key to any recovery in the economy.

Mayor Sears reported that the Town of Holly Springs is in strong financial shape since as residential development began to slow, non-residential development picked up. He said non-residential development is equal to or greater than the revenues generated by residential permits.

**6a. Public Hearing: UDO Amendment 09-06, (09-UDO-01)** – Ms. Clapp said the proposed amendments would not change any of the current procedures that the Town has in place, rather would clean up and add language to remove any inconsistencies and to provide greater clarification on the review authorities for these particular processes.

She explained that the proposed amendments to Section 9.09 Decision Matrix would correct some minor inconsistencies with previous UDO Amendments as follows:

- Amend Lines 4 & 6 to Remove "LB &": With the amendment to Section 3.08 Commercial Architectural Regulations, the LB District no longer contains its own architectural regulations section; therefore, the Alternate Compliance Review Process is a part of the process specified on Lines 7 – 10 of the Matrix.
- Add a new 15 Development Plan for Town Projects: All Town Projects go from Staff recommendation directly to Town Council for action. The Matrix has this process specified for Special Exception Use Town Projects, but currently does not have this specified for development plans.
- Amend Line 26 (27 re-numbered) Remove the word "Approval" since the Town Council does have the option to deny and to make language consistent with other lines in the table. Also to clarify that the joint public hearing is required only for Planned Unit Development master plans.

- Add a new Line 27 (28 re-numbered) Minor Amendments to Master Plan/Preliminary Plan. The UDO has specific process and limitations to Administrative Amendments in Section 9.05, B.; however, the Decision Matrix does not specify the Review and Action authority for such a review.
- Amend Line 27 (29 re-numbered) Remove the word “Approval” since the director does have the option to deny and to make language consistent with other lines in the table.

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded: None. There being no comments, the public hearing was closed.

**Action#1:** The Council approved a motion to accept the following statement as true: *“The requested UDO Text Amendment is consistent with the Vision Holly Springs Comprehensive Plan by providing clear requirements and processes for development proposals by eliminating conflicting language within the Ordinance.”*

**Motion By:** Sack

**Second By:** DeBenedetto

**Vote:** Unanimous.

**Action#2:** The Council approved a motion to adopt Ordinance 09-06 to approve and enact Unified Development Ordinance text amendment #09-UDO-01 to modify UDO Section 9.09 Decision Matrix.

**Motion By:** Sack

**Second By:** DeBenedetto

**Vote:** Unanimous.

*A copy of Ordinance 09-06, (09-UDO-01) is incorporated into these minutes as addendum pages.*

**6b. Public Hearing: Annexation A09-02, Rex Road Property** –Ms. Clapp said the Town has received a petition for voluntary satellite annexation of approximately 17.59 +/- acres located at 6000 and 6112 Rex Road. The property owners are the heirs of Clyde Atwater, Amon Atwater, Galinda Joyner and Joan A. Benton.

The petition meets all the statutory requirements for satellite annexation.

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded: None. There being no comments, the public hearing was closed.

**Action:** The Council approved a motion to adopt Annexation Ordinance A09-02 annexing approximately 17.59 +/- acres owned by heirs of Clyde Atwater, Amon Atwater, Lalinda Joyner and Joan A. Benton; and more particularly described as Wake County PINs: 0637.01-36-2941 and 0637.01-37-0313, into the corporate limits of the Town of Holly Springs.

**Motion By:** DeBenedetto

**Second By:** Womble

**Vote:** Unanimous.

*A copy of Annexation Ordinance A09-02 is incorporated into these minutes as addendum pages.*

**6c. Public Hearing: Bridgewater Townhomes, 07-DP-09-A02 Development Plan Amendment** – Ms. Powell said this plan originally was presented at the Nov. 18, 2008 Town Council meeting. At that meeting, a condition of approval was placed on the development plan to prohibit the use of board and batten style siding (also referred to as vertical vinyl siding.) She said since that meeting, the developer decided to go back through the process to allow for the use of board and batten style siding on the front elevations only.

Ms. Powell reported that the Planning Board had reviewed the request and recommends approval. Earlier concerns, she reported, were of the entire rear elevations. They had no problems with the use of vertical siding for front elevation accents.

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded: None. There being no comments, the public hearing was closed.

**Action:** The Council approved a motion to approve Development Plan amendment #07-DP-09-A02 for Bridgewater Townhomes as submitted by Spaulding & Norris, PA, project number 629-06 dated revised 12/18/2008 with the following conditions:

1. All previously approved conditions shall still apply.
2. Prior to issuance of Building Permit: The applicant shall revise elevations as to allow for the use of board and batten style siding (also referred to as vertical vinyl siding) on the front elevations only.
3. Applicant will work with the Town’s Engineering Department to reinstall the previous berm in addition to a fence in a way mutually agreeable with the developer, adjacent property owner, and Town Staff. *(condition addressed with letter of agreement between Bridgewater Land Resource, LLC and Household Building Systems on 11/25/08)*

**Motion By:** Sack

**Second By:** Womble

**Vote:** Unanimous.

**7. Consent Agenda:** Before adoption of the Council, Mr. Dean explained that a pre-budget public hearing was being scheduled for April 7 since the March 17 regular meeting has been cancelled.

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

7a. Jordon Lake Partnership - The Council approved to join the Jordan Lake regional planning partnership. *A copy of the Memorandum of Understanding is incorporated into these minutes as addendum pages.*

7b. Budget Amendment, \$20,000 – The Council adopted amendments to the FY 2008-09 budget – reserve and project funds -- in the amount of \$20,000 to cover costs of additional professional services by Davis Martin Powell for the regional water reclamation facility. *Copies of the budget amendments are incorporated into these minutes as addendum pages.*

7c. Resolution 09-04 – The Council adopted Resolution 09-04 declaring certain personal property to be surplus to the needs of the Town and authorizing the disposal of said property. *A copy of Resolution 09-04 is incorporated into these minutes as an addendum page.*

7d. Set April 7, Pre-Budget Public Hearing - The Council set a date of April 7 for a pre-budget public hearing to accept comments on the FY 2009-10 town budget.

7e. Holly Springs Baptist Church Parking Lot Change Order No. 2 – The Council approved the Holly Springs Baptist Church parking lot Change Order No. 2 with Narron Contracting to modify the striping and signage plan, resulting in a credit amount of \$2,615. *A copy of the Narron Contracting Change Order No. 2 is incorporated into these minutes as addendum pages.*

7f. Holly Springs Baptist Church Parking Lot Change Order No. 3 – The Council approved the Holly Springs Baptist Church parking lot Change Order No. 3 with Narron Contracting to add streetscape furnishings and intersection striping to Center Street, resulting in an additional \$23,804.40, and adopted the associated budget amendment. *A copy of the Narron Contracting Change Order No. 3 is incorporated into these minutes as addendum pages, together with associated budget amendments.*

7g. Bass Lake Interceptor Change Order No. 4 – The Council approved Bass Lake interceptor Change Order No. 4 to add watertight casting at a manhole, resulting in an additional \$788.85 cost. *A copy of the Bass Lake Interceptor Change Order No. 4 is incorporated into these minutes as addendum pages.*

7h. Utley Creek WWTP Expansion Change Order No. 5 – The Council approved Utley Creek WWTP expansion Change Order No. 5 to add days to the contract and some additional work, resulting in an additional \$20,863. *A copy of a draft Utley Creek WWTP expansion Change Order No. 5 is incorporated into these minutes as addendum pages.*

7i. Hunt Center Renovation - This item was removed during agenda adjustment.

7j. Holly Springs Business Park Pump Station Project – The Council entered a contract with Skip Green & Associates in the amount of \$17,000 to provide grant administration services for the Holly Springs Business Park pump station project. *A copy of the Skip Green & Associates contract is incorporated into these minutes as addendum pages.*

**8a. Annexation Ordinance A09-01, Crawley Property** – Ms. L. Powell said at the last Town Council meeting the public hearing was opened and closed. Action was deferred until the March 3, 2009 Town Council meeting.

She said the petitioner requests that action be further deferred until April 7.

**Action:** The Council approved a motion to defer action on annexation petition A09-01 until the April 7, 2009 Town Council meeting.

**Motion By:** Dickson

**Second By:** DeBenedetto

**Vote:** Unanimous.

At this time, Councilman Sack made a motion to recuse Councilman VanFossen from Item 8b. on the agenda because of his professional connection as an architect with the subject of Item 8b. Councilman Dickson seconded the motion, and it carried unanimously. A quorum of the Council remained.

**8b. Development Plan 08-DP-12, Shoppes at Woodcreek, Phase III** – Ms. L. Powell said the Town has received a request for an integrated center to be located on 1.45 acres of property at the approximate intersection of Holly Springs Road and Sunset Lake Road. These properties are located within the Northeast Gateway Plan. The proposed integrated center includes one 12,000 square foot building located along Holly Springs Road. The site would be accessed by a driveway off of Holly Springs Road as well as a shared access driveway with the adjacent Sunset Mart development. A total of 48 parking spaces (minimum required) are proposed throughout the site and located entirely behind the building. A total of 1,460 square feet of open space is proposed to be located in front of the larger building and used as a plaza area (see condition below regarding design of this area.) A sidewalk is proposed along Holly Springs Road and would connect to existing sidewalk.

She said this project is located within a gateway corridor and is therefore subject to a higher degree of architectural requirements. The two buildings are proposed to be constructed primarily of a brown and red colored brick along with secondary building materials that include beige and white colored EIFS. Various architectural elements such as roofline modulation, metal awnings, multiple brick patterns, decorative louvers, and multiple cornices are proposed.

Ms. Powell said this building is subject to the recently-adopted commercial architectural requirements. In order to be compatible and in harmony with the rest of the Shoppes of Woodcreek development, the architect has submitted an Alternate Means of Architectural Compliance request, with which staff concurs.

On Feb. 24, 2009 a revised transportation impact analysis (TIA) was submitted. An initial review of the revised report submitted indicates that the comments have been addressed adequately; however, the report will be reviewed through the normal process and may have minor comments still to address, staff said. If any revisions are needed, they can be provided in a final copy of the TIA prior to construction drawing

submittal.

This has been reflected in the change to the condition of plan approval below.

During plan review, the owner of neighboring property expressed concern about the shared proposed access but agreed that an arrangement for shared access could be worked out. Staff pointed out that this would be a condition of approval on the plan.

Mr. Bill Shankle addressed the Council and confirmed that he had talked with the property owner and will work with him through the construction drawing process.

He also noted that the illustrations in the Council's hands did not adequately show how the phases of Woodcreek (I & II and III interconnect.) He provided Council members with an additional drawing showing this interconnectivity.

Mayor Sears asked the neighboring property owner, Mr. Patel, if he was amenable to working with Mr. Shankle. Mr. Patel said he was.

**Action #1:** The Council approved a motion to make and accept findings of fact to be recorded in the minutes for the Alternate Means of Compliance of Architectural Regulations of UDO Section 3.08, A, 1.c.(2) (a)(ii). Architecture and Site Design Regulations, base requirement, for Petition #08-DP-12 for Shoppes at Woodcreek Phase III, to allow for uniform design and harmony with the entire Shoppes at Woodcreek project as submitted by Chet VanFossen, Project Number: 08-DP-12, dated revised 11/10/2008.

1. The proposed development represents the use of (*building materials*, colors, textures, *building* architecture, roof features, façade modulation, *building* orientation, *signs*, landscaping, lighting or *open space*) which will result in a development pattern which is equivalent to or superior to that achievable under the applicable regulations;
2. The proposed development will be compatible with and will enhance the *use* or value of area properties;
3. The proposed development is consistent with the intent of the *Comprehensive Plan*; and,
4. The proposed development is consistent with the intent and purpose of this UDO.

**Motion By:** Dickson

**Second By:** Womble

**Vote:** Unanimous.

**Action #2:** Having made the findings of fact, the Council approved a motion to approve the Alternate Means of Compliance of Architectural Regulations of UDO Section 3.08, A, 1.c.(2) (a)(ii). Architecture and Site Design Regulations for Petition #08-DP-12 for Shoppes at Woodcreek Phase III, to allow for alternate means of compliance for the base requirement as submitted by Chet VanFossen, Project Number: 08-DP-12, dated revised 11/10/2008.

**Motion By:** Dickson

**Second By:** Womble

**Vote:** Unanimous.

**Action #3:** The Council approved a motion to approve Development Plan #08-DP-12 for Shoppes at Woodcreek Phase III as submitted by SEPI Engineering, Project Number SC08.015.00, dated revised 11/10/2008 with the following conditions:

1. Prior to installation, a site lighting plan must be submitted to and approved by the Department of Planning & Zoning.
2. Prior to issuance of Building Permit, the following must be completed:
  - a. Details for the design and layout of the developed open space must be submitted to and approved by the Department of Planning and Zoning.
3. A sign permit is required for all signage prior to installation.
4. Fee in lieu of downstream pump station upgrades will be due with this project.
5. This project will be required to meet the Town of Holly Springs NPDES Ph. II Post Construction Stormwater Ordinance.
6. The following items are to be addressed or provided with the 1<sup>st</sup> construction drawing submittal for this project:
  - a. All offsite easements (including construction easements, cross access easements, etc.) must be dedicated for this project.
  - b. Offsite right-of-way must be dedicated for this project (both sides of Holly Springs Road).
  - c. A flood study will be required to meet the Town's policy for Hydrologic Basin Models (Town Policy - P-018). The approved Woodcreek 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.
  - d. All environmental documentation in respect to the identification and permitting of impacts to streams, wetlands and buffers must be provided.
  - e. Provide 3 copies of the final TIA prior to construction drawing submittal.
  - f. Provide documentation of construction and cross-access easements with the adjacent property owner (Sunset Mart).
7. The following items are to be addressed prior to approval of the first construction drawing or issuance of a land disturbance permit for this project:
  - a. Approval of Stormwater Management Plan is required.
  - b. Payment of the Stormwater Fee-in-Lieu will be required
  - c. All environmental permits applicable to the project must be obtained.
8. Within 10 business days of the Town Council action the following items must be addressed on revised plans:
  - a. Label road improvements for Holly Springs Road as ½ 74' back to back with median on 100' R/W.

- b. Cross Access easements need to be shown from entrances to all drives to adjacent properties.

**Motion By:** Dickson

**Second By:** Womble

**Vote:** Unanimous.

At this time, Councilman Sack made a motion to readmit Councilman VanFossen into the meeting. A second was made by Councilman Dickson, and the vote was unanimous.

At this time, Mr. Dean reported why the Stewart Engineering item was removed from the Consent Agenda. He reported that he had received an email from Falcon offering to do the work for free as a donation to the town.

**Action:** The Council approved a motion to enter a contract with Falcon Engineering at zero cost for Hunt Center renovation work.

**Motion By:** Sack

**Second By:** DeBenedetto

**Vote:** Unanimous.

**9. Other Business:** Councilman Womble asked about Main Street crosswalk. Staff had reported during the Feb. 28 retreat meeting that Main Street Crosswalk is planned to be part of the Main Street Enhancement Project that would be completed before the end of the calendar year.

Councilman Womble asked that it be moved up in the schedule, separate from the Main Street Enhancement Project. The Council had no objections.

**10. Manager's Report:** Mr. Dean reported that the retreat was productive and acknowledged Wake County for free use of Yates Mill Pond Park for the meeting. He said by the March 19 meeting he should have some recommendations on Hunt Center financing

Mr. Weeks reported on the L.E.A.D. Citizens Academy, saying that it appears there will be 13 or 14 registered for the inaugural program.

**11. Closed Session:** None.

**12. Adjournment:** There being no further business for the evening, the March 3, 2009, meeting of the Holly Springs Town Council was adjourned following a motion by Councilman VanFossen a second by Councilman Dickson and a unanimous vote.

Respectfully Submitted on Tuesday, July 7, 2009.

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Joni Powell, CMC, Town Clerk

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