

# Holly Springs Town Council Minutes

## Regular Meeting Oct. 3, 2006

The Holly Springs Town Council met in regular session on Tuesday, October 3, 2006, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Dick Sears presided, calling the meeting to order at 7:00 p.m. A quorum was established as the mayor and four council members were present as the meeting opened.

**Council Members Present:** Councilmen Vinnie DeBenedetto, Parrish Womble, Peter Atwell and Hank Dickson and Mayor Sears.

**Council Members Absent:** Councilman Chet VanFossen.

**Staff Members Present:** Carl Dean, town manager; Charles Simmons, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Jeff Jones, planner II; Mark Zawadski, planner I; Mark Andrews, public information officer; Drew Holland, finance director; John Herring, police chief; Len Bradley, director of parks and recreation; Eric Taylor, information technology director; Scott Barnard, Bass Lake Park Manager; members of the Holly Springs Police Department and Fire Department; Jenny Mizelle, director of economic development; Cecil Parker, fire chief; Stephanie Sudano, director of engineering; Barb Koblich, information desk clerk; Daniel Weeks, project analyst; and Elizabeth Goodson, development review engineer.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Horace Ferguson, pastor of Holly Springs United Methodist Church.

**4. Agenda Adjustment:** The October 3, 2006 meeting agenda was adopted with changes, if any, as listed below.

**Motion By:** Dickson

**Second By:** Atwell

**Vote:** Unanimous

**Items Added to the Agenda:** None.

**Items Removed from the Agenda:** Item 8 e., a discussion of downtown parking options, was tabled.

**Consent Agenda Items Moved to Regular Business:** None.

**Other Changes:** None.

**5. Police Chief Oath of Office** – Mayor Sears administered the oath of office to Chief Herring before an audience of his friends, family and colleagues.

Mayor Sears said three months ago, Officer John Herring agreed to perform a three-month duty shift as interim police chief for the Town of Holly Springs. He said the town manager this week extended an offer to Chief Herring to become the town's official police chief and that the manager and council were pleased that he accepted.

Chief Herring is a 13-year veteran of law enforcement, serving all of those years in Holly Springs. He said he steps into the position with respect and admiration for former Chief of Public Safety Cecil Park, and he appreciates the opportunity to take the police department into the future under his leadership.

**Action:** None.

**6a. Public Hearing: Annexation Ordinance A06-13, Sunset Forest, LLC** – Mr. Jones explained the Town has received a petition for voluntary annexation of 22.6103 acres located within the Sunset Ridge North subdivision. He said the petition meets all the statutory requirements for 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 A06-13 annexing 22.6103 acres owned by Sunset Forest, LLC, and more particularly described as Wake County PIN: 0559.01-26-0854, into the corporate limits of the Town of Holly Springs.

**Motion By:** Dickson

**Second By:** Atwell

**Vote:** Unanimous

*A copy of Annexation Ordinance A06-13 is incorporated into these minutes as addendum pages.*

**6b. Public Hearing: Novartis Vaccines and Diagnostic Zoning Vested Rights** – Mr. Jones explained to the Council that according to UDO Section 9.08, the town can allow for the granting of zoning vested rights for a site-specific development plan to be completed under the zoning regulations in place at the time of approval of the original plan.

Mr. Jones said Novartis Vaccines & Diagnostics has applied to have zoning vested right applied to its development plan for a period of five years from approval of their development plan.

He noted that action would not be taken at the close of the public hearing, but later in the meeting agenda following consideration of the related development plan.

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:** No action was taken at this time.

**7. Consent Agenda:** All items on the Consent Agenda were approved following a motion by Councilman Atwell, a second by Councilman Dickson and a unanimous vote. The following actions were affected:

7a. Minutes - The Council approved minutes of the Council's regular meeting held on June 20, 2006.

7b. Budget Amendments Report – The Council received a report of FY 2006-07 budget amendments #1 through #18 approved by the town manager.

7c. Resolution 06-45, Annexation A06-14 – The Council adopted Resolution 06-45 directing the town clerk to investigate the sufficiency of Annexation Petition A06-14 and setting a public hearing on the question of annexation for Tuesday, Oct. 17, 2006. *A copy of Resolution 06-45 is incorporated into these minutes as addendum pages.*

7d. Resolution 06-46, Chimney Rock Park – The Council adopted Resolution 06-46 urging the State of N.C. to acquire and preserve Chimney Rock Park in western North Carolina. *A copy of Resolution 06-46 is incorporated into these minutes as an addendum page.*

7e. Budget Amendment, \$13,800 – The Council adopted amendment to the FY 2006-07 budget in the amount of \$13,800 to pull funds from last year's budget into this year's budget to pay for expenses that spanned June and July. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

7f. Budget Amendment, \$7,100 – The Council adopted an amendment to the FY 2006-07 budget in the amount of \$7,100 to pull funds from last year's budget into this year's budget to pay for the Harnett County waterline meter vault. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

7g. Womble Park Paving Contract – The Council approved to enter into a contract in the amount of \$81,432.50 with Booker Construction for paving of an additional parking lot at Womble Park. *A copy of the Booker Construction contract is incorporated into these minutes as addendum pages.*

**8a. Holly Springs Business Park PUD Amendment, 01-PUD-03-A02** – Mr. Jones said the Holly Springs Business Park Planned Unit Development is a 248-acre business park approved Nov. 19, 2002 with a mixture of commercial, manufacturing, office and flex space uses. He said the HSBP PUD was developed by the original property owner to create a master development plan for the remaining acreage of the business/industrial land in this area for marketing and development purposes. He explained that the PUD zoning designation was requested because the zoning ordinance that was in place at the time of preparing the PUD did not easily accommodate the creation of master plans or the proposed mix of uses that were envisioned for the area.

Mr. Jones said after the owner created the HSBP PUD master land use plan to specify the specific land uses and districts for various parcels as well as the zoning regulations within the PUD, there was no development activity for the past four years.

He said in July 2006, Novartis announced that it would be developing 167 acres of the 248-acre development. He said as Novartis has been preparing development plans for the site, the company officials determined that the HSBP PUD regulations need to be updated and modified to ensure that the vision of the PUD will be realized. He said in addition, the original PUD plans had become outdated due to changes in open space and roadway network locations.

Mr. Jones explained the proposed amended HSBP PUD modernizes the format of the plan to meet the current Holly Springs UDO format by having the district regulations in a separate document and incorporating the plans as part of a written PUD document. He said the majority of the plan sheets have been updated and modified due to changes in the base map data and all of the districts have been updated to provide clarification of the regulations that are specified within the PUD and the regulations that are to continue to follow the Town's UDO.

Mr. Jones reviewed the following requirements of a PUD, which is to include:

- a master land-use plan;

- vehicular and pedestrian circulation plan;
- buffers, open space, and recreational facilities plan;
- utilities plan;
- storm drainage plan;
- hydrology plan;
- and draft covenants to create a homeowners association for the maintenance of all privately owned common areas and recreational facilities.

Mr. Jones said staff and the Planning Board recommend approval of the PUD amendment with conditions.

He reported that the Planning Board had a concern about the proposed elimination of the screening for trash Dumpsters located more than 300 feet from a public right-of-way. The concerns are, he said, the possibility of the Dumpsters' being seen from adjacent properties and the potential diminished containment of trash. He said the Planning Board recommends adding language to the PUD document to require screening of the trash and recycling center if located within 100 feet of the property lines.

**Action:** The Council approved a motion to approve Planned Unit Development amendment #01-PUD-03-A02 for Holly Springs Business Park PUD as submitted by Novartis Vaccines & Diagnostics and Spaulding & Norris, project number 236-00, dated revised 9-14-06 with the following conditions:

- 1) The following conditions of the original approval of the HSBP-PUD are still outstanding and will remain as active conditions with this approval:
  - a. Delineation of wetland and environmental areas for the specific property and the road right-of-way providing access to the property and adjacent to the property must be submitted with each development plan submittal.
  - b. TIA and drainage studies may be required as development plans/site plans are submitted.
  - c. Access to the Jones property on the north side of Thomas Mill Road within the PUD will be required and should be shown clearly as right of way dedication.
  - d. Town staff will be working with the state permitting agencies on the functional alignment of the proposed roadway extension. However, the design will be functional and any variation in alignment will be contingent upon environment constraints and the ability to obtain permits. The rights of way from the permitted alignment will need to be dedicated to the Town. Therefore, land owners will be able to provide individual input on the functional alignment, however, the Town may be constrained in what design gets permitted. The Town staff will work with the land owners and keep them involved at all steps along the design process.
- 2) The following language will be added to the PUD document:
  - a. If trash and recycling centers are located within 100 feet of a property line, opaque screening must be provided for at a PUV of C-50 parallel to the adjacent property line.

**Motion By:** Atwell

**Second By:** Dickson

**Vote:** Unanimous

**8b. Novartis Vaccines and Diagnostics Facility, 06-DP-11** – Mr. Jones explained that Novartis Vaccines & Diagnostics proposes to build an approximately 274,000-square-foot facility comprised of six buildings connected with a 13,000-square-foot spine corridor to interconnect the buildings. He said the facility would be the company's U.S.-based flu cell culture producer of flu vaccines.

Mr. Jones said construction is to begin this fall, and the facility should be open for production by 2011.

He said the facility is located within the Holly Springs Business Park and is located off of Green Oaks Parkway. He said due to the time-sensitive nature of construction, the detailed building design and minor site details will be finalized once the footprint and site design work is completed.

Mr. Jones said that staff has been working closely with the owners and engineers of the project and are comfortable with the delay in the submittal of the aesthetic components of the development plan submittal.

Mr. Jones said the Planning Board discussed on-site grading into the Cape Fear Buffer area for the construction of the parking lot and interior road. Mr. Jones said that grading is permitted in Zone 1 of the buffer, and staff will review to minimize the impacts to buffer closer during the construction drawing review process.

Mr. Jones then noted that the applicant also is requesting a waiver of sign regulations to allow for pedestrian signs and a waiver of town engineering design standards to allow the omission of curb and gutter on the parking lots and roadways that are interior to the site. He stressed that curb and gutter would be applied to the entrance drive that will be visible from the public right of way.

**Action #1:** The Council approved a motion to approve a waiver of regulations to UDO Section 7.03 E., 5 Incidental Sign Regulations, for development plan #06-DP-11 for Novartis Vaccines & Diagnostics, to allow for pedestrian sign as submitted by Deana Dearborn, project number: USFCC Facility, dated revised 9/19/2006.

**Motion By:** Dickson

**Second By:** Atwell

**Vote:** Unanimous

**Action #2:** The Council approved a motion to approve an exception to the Engineering Design and Construction Standards Section 3.02-G in association with Development Plan #06-DP-11 for Novartis Vaccines & Diagnostics, to allow the interior streets and parking lots to be constructed without curb and gutter as required by the Engineering Design and Construction Standards as submitted by Deana Dearborn, project number: USFCC Facility, dated revised 9/19/2006.

**Motion By:** Dickson

**Second By:** Atwell

**Vote:** Unanimous

**Action #3:** The Council approved a motion to approve development plan #06-DP-11 for Novartis Vaccines & Diagnostics as submitted by Deana Dearborn, project number: USFCC Facility, dated revised 9/19/2006 with the following conditions:

- 1) This plan includes general information with respect to Engineering Design and Construction Standards. Due to communication between Town staff and the project's engineers, staff feels comfortable with the detailed information being provided with construction drawings (later in the approval process).
- 2) ~~Curb and gutter is required on all streets and parking lots unless an exception is granted by Town Council per section 3.02-G of the Engineering Design and Construction Standards. (Motion #2 was approved; therefore, this condition is omitted and is so indicated by strikethrough text.)~~
- 3) Prior to issuance of building permit, the following must be completed:
  - a. Proposed building elevations to be submitted to and approved by the Technical Review Committee. The Town Council authorizes the TRC to consider and grant Waivers in accordance with UDO Section 4.05.
- 4) Prior to issuance of a Certificate of Occupancy, the following must be completed:
  - a. Proposed landscape and irrigation plans to be submitted to and approved by the Department of Planning & Zoning.
  - b. Site lighting plan to be submitted to and approved by the Department of Planning & Zoning.

**Motion By:** Dickson

**Second By:** Atwell

**Vote:** Unanimous

**Action #4:** The Council approved a motion to grant the use of zoning vested rights for 06-DP-11, Novartis Vaccines & Diagnostic, for a period of five years from this date to authorize the development of this property according to the terms and conditions of the Zoning Ordinance and Planned Unit Development in place at time of approval of the Preliminary Plan.

**Motion By:** Dickson

**Second By:** DeBenedetto

**Vote:** Unanimous

**8c. Irving Parkway News & Observer, 06-MAS-09** – Mr. Zawadski explained that 06-MAS-09 proposes the subdivision of a 5.06-acre lot into two lots. He said the parcel is proposed to be divided into one 2.696-acre lot and one 2.065-acre lot. He said that a 60' public right of way is proposed along the northern property line on the remaining 0.304 acres.

Mr. Zawadski said the Planning Board discussed the landscape buffers and recommends approval with conditions.

**Action:** The Council approved a motion to approve preliminary plan #06-MAS-09 for Irving Parkway News and Observer as submitted by John A. Edwards and Company, dated September 8, 2006 with the following conditions:

- 1) A revised subdivision plan which includes the following landscape buffers shall be submitted to the Department of Planning & Zoning within ten business days of Town Council action:
  - The following perimeter landscaping is required for Lot 1:

- Eastern Property Line: A-20 (Open Perimeter Buffer)
  - Southern Property Line: A-20 (Open Perimeter Buffer)
  - Western Property Line: B-75 (Semi-Opaque Perimeter Buffer)
  - Northern Property Line: B-75 (Semi-Opaque Perimeter Buffer)
  - The following perimeter landscaping is required for Lot 2:
    - Eastern Property Line: A-20 (Open Perimeter Buffer)
    - Southern Property Line: B-75 (Semi-Opaque Perimeter Buffer)
    - Western Property Line: B-75 (Semi-Opaque Perimeter Buffer)
    - Northern Property Line: A-20 (Open Perimeter Buffer)
- 2) Prior to issuance of Building Permit (for either lot within this subdivision), the following must be completed:
    - a) A subdivision plat will be required for the whole property showing utility easements, construction easements and road right-of-way.
  - 3) The following items are to be included with 1<sup>st</sup> construction drawing submittal for either lot of this subdivision (later in the approval process):
    - a) Provide a centerline alignment and specific design criteria for the roadway design of the street stub to the adjacent landlocked property.
  - 4) Prior to construction drawing approval of Lot 2, the right of way will need to be recorded for the unnamed road adjacent to this development.
  - 5) Construction of utility infrastructure (water and sewer), roadway stub to adjacent property and roadway improvements along Irving Parkway (for Lot 1) will be completed with the development of Lot 1. *(Construction of utility infrastructure and road improvements are required with the development of this subdivision. The applicant has requested to delay the installation of utilities (sewer outfall and water) to adjacent properties through Lot 1, construction of road improvements (widening, curb and gutter) for Lot 1 and the construction of the road stub to the adjacent property through Lot 1 until the time that Lot 1 is developed. Easements and right of way will be required for all utilities and roadway prior to issuance of Building Permit for either lot however the delay of the construction of these infrastructure improvements will require Town Council's approval.)*

**Motion By:** Atwell

**Second By:** DeBenedetto

**Vote:** Unanimous

**8d. Irving Parkway News & Observer, 06-DP-10** – Mr. Zawadski explained that the applicant is proposing to construct a 9,950-square-foot warehouse/office building on a portion of a 5.06-acre site located on Irving Parkway. He said 1,500 square feet of the building would be used for office space with the remaining 8,450 square feet to be utilized for warehouse use.

Mr. Zawadski said the site would be accessed via two driveways located off of the unnamed street to the south of the site. He said the site plan includes 9 parking spaces, with one of the spaces as a handicapped space, located to the west of the building and a sidewalk that connects the parking lot to the front door of the building.

Mr. Zawadski explained that this project is located within a Gateway Corridor and is, therefore, subject to a higher degree of architectural standards. The building would be constructed primarily with a rust colored smooth face block and dark green metal siding. The building also would include a tan split-faced block along the foundation and around the windows and doors.

Mr. Zawadski said the architectural elements such as rough and smooth textures, a pitched roof, multiple canopies, and a varied block pattern are incorporated into the building design. He said the roof is proposed to be surfaced with dark green metal roofing.

Mr. Zawadski said the Planning Board's concerns were the use of the building, operation hours and number of staff and driveway spaces. He said staff and the Planning Board recommend approval with conditions.

**Action:** The Council approved a motion to approve development plan #06-DP-10 for Irving Parkway News and Observer as submitted by John A. Edwards and Company, dated revised September 21, 2006 with the following conditions:

- 1) This plan shall meet all conditions of approval listed on Preliminary Subdivision Plan for Irving Parkway – News and Observer (06-MAS-09).
- 2) The following items are to be included with 1<sup>st</sup> construction drawing submittal (later in the approval process):
  - a) Provide a comprehensive drainage area map and supporting calculations. This should be provided in a sealed engineer's report.
- 3) Prior to construction drawing approval of this lot, the right of way will need to be recorded for the unnamed road adjacent to this development (Lot 2) for the frontage that this property has along the road.

**Motion By:** Womble

**Second By:** DeBenedetto

**Vote:** Unanimous

**8e. Main Street Enhancement On-Street Parking Project** – This item was tabled during Agenda Adjustment.

**8f. Wake County Public School System Issues** – Councilman DeBenedetto addressed the Council with several of his positions regarding the Wake County Public School System's efforts at meeting the demands of student over-crowding by mandating year-round schools.

In summary, he said he was opposed to year-round schools and wished to see the Town Council take an official position on the issue.

Mayor Sears then introduced Wake School Board Representative Ron Margiotti who addressed the Council with his campaign against year-round schools.

In discussion, the council came to agreeable terms that it is supportive of Wake County Public Schools and appreciates the school system's challenges. Council members individually have their differing positions on the effectiveness of the year-round calendar, but agree as a body that both school calendars have merit.

The Council agreed to authorize Mayor Sears to write a letter on the council's behalf expressing empathy for the school system, voicing the council's support and expressing disagreement that while the year-round calendar may work fine for some students and their families, the school system should not force the conversion of schools to year-round calendars. While the Town is fully supportive of its schools, the council believes parents should have a choice available to them as to which calendar their children are enrolled.

Action: Direction was given that a letter be drafted and provided to council members via email for comments before it is distributed to the school board members.

**9. Zoning Petition 06-REZ-08, -** Mr. Zawadski explained that Rezoning Petition 06-REZ-08 was heard before a public hearing on June 20, 2006 and that action was tabled until the Oct. 3 meeting to give the petitioner time to secure a pending access to the property from Holly Springs Road.

Mr. Zawadski reminded the council that public hearing comments about the lack of vehicular access to the property from Holly Springs Road were concerns echoed by council members. He said the applicant indicated that he was under contract for the properties to the north of the subject site and expected to be closed on the property by the Oct. 3 meeting.

The petitioner provided information to the planning department, however, that he was having unexpected difficulties closing on the property because of having to locate out-of-state heirs who may have some claim on the title of the property.

Mr. Zawadski outlined the petitioner's request. He said the two properties are within the corporate limits of Holly Springs and are located near the intersection of Holly Springs Road and the 55 Bypass. The properties have rudimentary access to Holly Springs Road via Earnie Lane and are currently zoned R-20: Residential.

He said the applicant is requesting that a 4.65-acre portion of the larger property be rezoned to LB: Local Business and the remaining 1.92 acres of the property be rezoned to R-8 Residential and the entire .33 acres of the smaller property be rezoned to R-8: Residential. He said the requested R-8: Residential and LB: Local Business zoning would be compatible with the land use plan.

Although the public hearing on the question is closed, Mayor Sears recognized that some of the neighboring property owners were in attendance and had signed up to speak. He yielded the floor.

The following residents were heard:

Anita Way, 420 Onondaga – Ms. Way said she is still concerned about the inflow of traffic that would be generated.

Art Shaeffer, 224 Saranac – Mr. Shaeffer said he was disappointed in the petitioner, who had said he would meet with the surrounding homeowners associations, but never did. He said he felt that the petitioner, then, was not a man of his word and untrustworthy.

Robert Summers, 500 Onondaga – Mr. Summers said he has the impression that the petitioner is no further along today than he was in July, and he did not appreciate the waste of his time in having been notified of another meeting at which the issue might be tabled.

Councilman Atwell said he understood the frustrations of the residents but that he also understands unavoidable delays in getting clear title to land. He said he was inclined to not hold the title difficulties against the petitioner and would consider tabling the issue.

In discussion, Councilman Atwell changed his mind, coming to the conclusion that another delay would be costly for the town in having to notify adjacent property owners again and that the petitioner should get the land title issue cleared up and reapply for the zoning change.

**Action #2:** The Council approved a motion to deny zone map change petition 06-REZ-08 to change the zoning

of 4.65 acres of Wake County PIN # 0649-53-4407 from R-20: Residential to LB: Local Business and the remaining 1.92 acres of Wake County PIN # 0649-53-4407 from R-20: Residential to R-8: Residential and .33 acres of Wake County PIN # 0649-53-5735 from R-20: Residential to R-8: Residential as submitted by Stephan Seely.

**Motion By:** Atwell

**Second By:** DeBenedetto

**Vote:** Unanimous

**10. 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.

Tim Sack, 232 Elam St. – Mr. Sack asked the Council to consider rename Springstone Drive to Crossway since the roadway is one and the same because it would inconvenience two business addresses, but would benefit everyone else on Crossway in avoiding confusion.

He also asked the town to consider implementing with NCDOT a reduction of speed limit and the installation of School Zone signs on Holly Springs Road.

**11. Other Business:** Councilman Atwell asked about pedestrian access to Holly Springs High School and the new elementary school from Holly Glen and Braxton subdivisions. He said sidewalks on Avent Ferry Road need to be moved up on the construction calendar. Mr. Dean agreed, pointing out that several sidewalk projects are moving forward on the CIP.

Councilman Atwell suggested that the town consider taking temporary measures because there is heavy pedestrian use. Council members talked about the frustration of NCDOT funding for state road and sidewalk projects that the town is having to assume.

**12. Manager's Report:** Mr. Dean asked about those wanting to tour Shearon Harris Nuclear Plant.. Councilman DeBenedetto and Womble said they would be available on Oct. 30. Other council members either were not available on the 30<sup>th</sup> or do not desire to tour the plant at this time. The Town Clerk will make arrangements, then, for Councilmen DeBenedetto and Womble.

**13. Closed Session:** None.

**14. Adjournment:** There being no further business for the evening, the October 3, 2006, meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Atwell, a second by Councilman Dickson and a unanimous vote.

Respectfully Submitted on Tuesday, October 17, 2006.

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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