



Dec. 18, 2012

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Dec. 18, 2012 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 James Cobb, Chet VanFossen and Tim Sack, and Councilwomen Linda Hunt Williams and Cheri Lee.

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; Gina Clapp, director of planning and zoning; Laura Holloman, planner I; Jeff Jones, senior planner; Rick Ralph, information technology technician; Drew Holland, budget manager; Len Bradley, parks and recreation director; Leroy Smith, fire chief; Mark Andrews, public information officer; Elizabeth Goodson, development review engineer; Stephanie Sudano, director of engineering; and Jenny Mizelle, director of economic development.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Pastor Doug Parlin of South Wake Baptist Church.

4. Agenda Adjustment: The Dec. 18, 2012 meeting agenda was adopted with changes, if any, as listed below.

Motion By: Sack

Second By: Cobb

Vote: Unanimous

Items added to Agenda as New Business: None.

Items removed from Agenda: None.

Items removed from the agenda: None.

Other changes: Item 7c., the development plan for Womble Park, was moved from Public Hearings to New Business as item 9a.

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:

Chester Cooke, 325 Holly Branch Drive - Mr. Cooke addressed the Council to comment on the fitness center at the Hunt Recreation Center. He said the trees in the room need to be moved because the room is crowded. He also said he would hope the town would buy some new weight scales so the ones in the Hunt Center can stay put and not be borrowed for other programs.

6a. Town's Audit Report - Mr. Holland presented to the Council the Town's financial statements for the fiscal year ending June 30, 2012.

Christopher K. Abbott, CPA, PA explained and reviewed with the Town Council his firm's findings after a review of the financial statements of the town's activities and record keeping.

All-in-all, Mr. Abbott said the Town was in good standing. Mr. Abbott reviewed the content

of his management letter, which is attached to these minutes.

Action: The Council approved a motion to accept the findings contained in the report and management letter following an independent audit of the Town's financial records for fiscal year ending June 30, 2012.

Motion By: VanFossen

Second By: Cobb

Vote: Unanimous

A copy of the Town's management letter is *attached to these minutes*.

7a. Public Hearing: 12-DP-06, Woodcreek Townhomes - Mr. Jones said the Town has received a request to build 79 townhomes in the Woodcreek neighborhood.

He said Woodcreek is a development option neighborhood and thus allows for a portion of the project to be townhomes. Townhomes built within a development option neighborhood are built to R-MF-15 standards.

The townhomes would all feature two-car garages and have fiber cement siding and developmental qualities that meet or exceed the R-MF-15 standards. As part of the zoning conditions, all units would have stone accents on the front facades.

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 approve Development Plan #12-DP-06 for Woodcreek Townhomes as submitted by Withers and Ravenel, project number: 2040232.97 dated revised 11/13/2013, with the following conditions:

1. All previous approval conditions for the Woodcreek Development Plan will 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. A fee-in-lieu of upgrade will be required for this project for the Pump Station and associated Force Main.
4. Approval of Stormwater Management Plan is required prior to issuance of a land disturbance permit or construction drawing approval.
5. Prior to final plat approval the following items are required:
 - a. The developer or *subdivider* shall file documentary assurances with the Town of Holly Springs that all *lots* served by *private streets* or *private alleys* shall be provided with the services typically provided on public streets as specified in UDO Section 7.07-B which includes the establishment of a maintenance fund or escrow account by the developer or subdivider. This shall be incorporated into the final plat and the Home Owners Association Covenants.

Motion By: Sack

Second By: VanFossen

Vote: Unanimous

7b. Public Hearing: Creekside at Sunset Lake - Ms. Holloman said the Town has received a request for a development options subdivision. The total number of lots proposed is 47. The subject property is located along Sunset Lake Road, directly adjacent to Carrington Estates subdivision.

She explained the parcel first was rezoned R-10 Conditional Use in 2006 with the following conditions:

- Uses not permitted: Multi-family residential.
- No vinyl siding will be permitted.
- No detached single-family homes will have slab on grade construction.

She said under Development Options subdivision requirements, the developer has to

provide a higher quality product and additional elements throughout the subdivision that would not normally be required in a standard subdivision in exchange for utilizing smaller minimum lot sizes. Additional elements include stipulated open space requirements, greater sidewalk improvements and residential design façade requirements that are shown in Tables 2.09 C. 4 and 5 (found on pages in this staff report.) The design facade requirements were updated earlier this year, and this would be the first subdivision fully utilizing these standards.

Ms. Holloman said the Planning Board suggests that the Council add condition #7, at the Council's discretion. She said staff's recommendation differs from the Planning Board due to the addition of item 4f. It was added to provide additional information during the construction drawing review.

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

William McCay, 104 Chieftain Drive - Mr. Mc Cay addressed the Council to request the extension of buffer behind Lot 1.

Mike Frechette, 108 Chieftain Drive - Mr. Frechette said he had similar concerns as Mr. McKay.

He also asked if trees in the designated open space would remain.

Ms. Holloman said it was not a requirement that the existing trees be preserved but that the open space would have to have a fill of vegetation of some degree.

Charles Dail, 5517 Solomon's Seal Ct. - Mr. Dail addressed the Council to speak about concerns of residents in Sunset Lake Village. He said traffic on Sunset Lake Road would be aggravated, and he asked that the Council take that into consideration, especially if a turn lane could be provided at Lake Flower.

Mr. Dale also addressed the concern about the proposed density of the development.

He also asked that the Council would direct that the use of "at Sunset Lake" be limited because it may suggest that Creekside residents would have access to the lake, which they would not as it is a private lake. Council members said they understood the concern but could not require the developer to change the name of the subdivision since Sunset Lake is not a registered trademark but a location and the name of a road.

Mr. Dale also pointed out that development of that property should take into account a potential breach of the Sunset Lake dam. The Town's engineering department has ordered a study of that possibility as a routine matter of plan review.

Nick Gervase, 408 Settlecroft Lane - Mr. Gervase addressed the Council to express a concern about traffic on Sunset Lake Road and how it would be aggravated by the addition of cars. He asked the Council to move the widening of Sunset Lake Road up on the project list.

Council members agreed and expressed the fact that Sunset Lake Road is a state road and that both Fuquay-Varina and Holly Springs hope NCDOT will move on the project.

Tom Roeder, Chieftain Drive - Mr. Roeder asked that the open space area be required to be left as is.

Don Curry, 205 S. Fuquay Ave., Fuquay-Varina - Mr. Curry spoke to address some of the concerns. He said his company is willing to double the existing buffer along Mr. McKay's lot; to leave the open space as is; and to present the dam breach analysis, which is in draft form now, in a later stage of the project. He added that he would anticipate construction traffic access by way of Creekside and not by Carrington Estates.

Councilman VanFossen asked that the developer meet with the Town's engineering department to discuss options for the connection to Carrington Estates to be constructed.

Kathy Kornak, 104 Quarry Rock -- Ms. Kornak asked that the Carrington Estates street not be extended through to Creekside.

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

In discussion, Councilman VanFossen pointed out that the Town has an objective of neighborhood connectivity.

Action #1: The Council approved a motion to make and accept the findings of fact to be

recorded in the minutes for Development Plan Petition #12-DP-01 for Creekside to allow for development options to be used in the R-10 residential zoning district as submitted by Curry Engineering Group, Project Number 2012-029, dated revised 11/09/12.

A development plan which incorporates development incentives for development in the R-30, R-20, R-15, R-10 and R-8 Districts (and thereby grant the waivers requested by the Petitioner) indicating compliance with UDO Section 2.09 Development Options for Residential Subdivisions may only be granted upon the presentation of sufficient evidence to enable a written determination that:

- a. The use of area properties will not be adversely affected;
- b. The proposed development is appropriate to the site and its surroundings;
- c. The proposed development is consistent with the policy statements of the Comprehensive Plan;
- d. The proposed development is consistent with the intent and purpose of this UDO;
- e. The proposed development will enhance or preserve the natural and/or environmental features on the property; and
- f. The proposed development will reduce the amount of tree cutting or mass grading of the property as a result of using Development Options.

Motion By: VanFossen

Second By: Williams

Vote: Unanimous

Action #2: Having made findings of fact that the project meets the requirements to be granted a waiver, the Council approved a motion to grant a waiver of regulations of UDO Section 2.04: R-10 Residential District to allow for the use of development options in the R-10 residential zoning district in conjunction with Development Plan Petition #12-DO-01 for Creekside as submitted by Curry Engineering Group, Project Number 2012-029, dated Revised 11/09/12.

Motion By: VanFossen

Second By: Cobb

Vote: Unanimous

Action #3: The Council approved a motion to approve Development Plan #12-DO-01 for Creekside as submitted by Curry Engineering Group, Project Number 2012-029, dated revised 11/09/12 with the following conditions, including Conditions 7-10 added by Town Council:

1. It is recommended that the project not encroach into the 500-year floodplain with any new development on this site. This is because the 100-year floodplain along the creek in this area is not based on post development and we believe that the 500-year is a suitable substitution until the maps are revised.
2. No fill is permitted in the 100-year flood plain for any residential development.
3. Please note that this project will be required to meet Town's NPDES Phase II Post Construction Stormwater ordinance
4. The following items are required with the first construction drawings submittal:
 - a. All items listed on the Stormwater Submittal Checklist, Form #16003, must be included with the first construction drawing submittal.
 - b. Thoroughfares, collectors and boulevards will require a calculated pavement design. This may result in a pavement cross section bigger than the specified minimum.
 - c. Note that the pavement design will require NCDOT approval. The most restrictive cross-section between the minimum design, calculated pavement design, Triassic design, and NCDOT design will apply.
 - d. Any required offsite right-of-way must be dedicated for this project.
 - e. A design and cost estimate for the remainder of the improvements along the full frontage must be provided so that the fee can be determined prior to approval. Note that the median break locations have not been determined for this portion of Sunset

Lake Road yet. In the future the entrance to this subdivision and the intersection of Sunset Lake Road and Cypress Ford Dr. will need to be evaluated to determine where a full median break will continue to be allowed. The cost estimate should include the median along your full frontage.

- f. Provide sight distance calculations to verify that the location of the entrance is suitable.
5. The following items are required prior to construction drawing approval:
 - a. An upgrade or fee-in-lieu of upgrade will be required for this project for the Pump Station and/or Force Main. The decision of upgrade vs. fee-in-lieu will be made once the East Side Sewer study is complete.
 - 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. Payment of the Stormwater Fee-in-Lieu will be required prior to construction drawing approval.
 - 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 150% estimated construction cost of the stormwater BMP prior to the preconstruction meeting 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.
 6. The following items are required with the first plat submittal:
 - a. Provide draft covenants which establish Homeowner's Association to cover maintenance of the following if applicable: private streets, alleys, street lighting, specialty street signs, street trees, private greenways, ponds, lakes, private sewer collection, private drainage easements, reuse lines, stormwater devices, etc.
 7. Within 10 days of Town Council approval, submit a revised Landscape Plan showing an increased buffer along Lot 1 to a 10-foot wide undisturbed buffer.
 8. Construction traffic will be required to travel through Creekside and not through Carrington Estates. A road barricade between the site and Carrington Estates will be provided and will remain in place until 90% of the lots are built out.
 9. Existing open space is to remain undisturbed .

Motion By: VanFossen

Second By: Cobb

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 Sack, a second by Councilman VanFossen and a unanimous vote. The following actions were affected:

8a. Minutes - The Council approved minutes of the Council's regular meeting held on Dec. 4, 2012.

8b. Budget Amendment Report - The Council received a monthly report of amendments to the FY 2012-13 budget approved by the town manager. *A copy of the budget amendment report is attached to these minutes.*

8c. Budget Amendment, \$30,900 - The Council adopted an amendment to the FY 2012-13 budget in the amount of \$30,900 to allocate funds received from the City of Charlotte for police officers serving at the Democratic National Convention. *A copy of the budget amendment is attached to these minutes.*

8d. Budget Amendment, \$2,000,000 - The Council adopted an amendment to the FY 2012-13 budget in the amount of \$2,000,000 to allocate funds for acquisition of park land. *A copy of the budget amendment is attached to these minutes.*

8e. Budget Amendment, \$4,150 - The Council adopted an amendment to the FY 2012-13 budget in the amount of \$4,150 to allocate funds received from a recycling project and to cover the cost of new radios with the money. *A copy of the budget amendment is attached to these minutes.*

9a. Development Plan 12-DP-07, Womble Park - Ms. Holloman said the Town is working toward continuing to push the high quality envelope with improvements to Womble Park.

She these improvements will be made possible by the parks bond referendum approved by voters last November. The proposed improvements include: installing artificial turf and lighting for soccer fields, adding a restroom/shelter facility, expanding the western parking lot, as well as the addition of tennis courts.

This park was developed as a special exception use in a Residential District so it creates some unique circumstances. Fortunately, our UDO allows for some flexibility, Ms. Holloman said.

For instance, in residential districts, maximum fence heights in front yards are limited to four feet in height. However, from a safety standpoint, a minimum height of eight feet is needed along the perimeter of the soccer fields. Therefore, a waiver is being requested to increase the allowed fence height.

She said built in to the UDO is the possibility to increase maximum light levels at property lines for athletic field lighting in order to accommodate tournament level play, so long as a waiver is requested. Therefore, a waiver request has been submitted to increase the maximum light levels along Stinson Avenue. The lighting consultant also has included documentation stating these lights would be outfitted with shields and shall be cut-off within one hour of the conclusion of any game/event.

If the lighting exceeds maximum light levels as stated in the Unified Development Ordinance, a UDO Permit must be approved by Town Council.

Action #1: The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for a waiver of regulations of UDO Section 2.08 A. 3. d. (1) Additional Development Standards for Accessory Uses, Buildings or Structures in any Residential District that would result in fence maximum height increase in a front yard from four (4) feet to eight (8) feet in association with Development Plan #12-DP-07.

Such a waiver can be granted only upon the presentation of sufficient evidence to enable a written determination that:

1. The strict application of the terms of the Architectural and Site Design Requirements set forth in the R-10 District represents an unusual or unnecessary hardship with applied to the proposed development;
2. The proposed development is consistent with and compatible with other development located within the R-10 District and the surrounding area;
3. The proposed development is consistent with the intent and purpose of this UDO.

Motion By: Sack

Second By: Williams

Vote: Unanimous

Action #2: Having made findings of fact that the project meets the requirements to be granted a waiver, the Council approved a motion to grant a waiver of regulations of UDO Section 2.08 A. 3. d. (1) Additional Development Standards for Accessory Uses, Buildings or Structures in any Residential District that would result in fence maximum height increase in a front yard from four (4) feet to eight (8) feet in association with Development Plan #12-DP-07.

Motion By: Sack

Second By: Cobb

Vote: Unanimous

Action #3: The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for a waiver of regulations of UDO Section 7.02 B. e. Lighting Standards

Special Regulations that would result in an increase in maximum light levels allowed at the property line in association with Development Plan #12-DP-07.

Such a waiver may be granted only upon the presentation of sufficient evidence to enable a written determination that:

1. The proposed development represents the use of (building materials, building massing and façade treatment, 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: Williams

Second By: Cobb

Vote: Unanimous

Action #4: Having made findings of fact that the project meets the requirements to be granted a waiver, the Council approved a motion to grant a waiver of regulations of UDO Section 7.02 B. e. Lighting Standards Special Regulations that would result in an increase in maximum light levels allowed at the property line in association with Development Plan #12-DP-07.

Motion By: Cobb

Second By: VanFossen

Vote: Unanimous

Action 5: The Council approved a motion to approve Development Plan #12-DP-07 for Womble Park as submitted by the Town of Holly Springs with the following condition(s):

1. This project will be required to meet Town's NPDES Phase II Post Construction Stormwater ordinance.

Motion By: Lee

Second By: VanFossen

Vote: Unanimous

10. Other Business: None

11. Manager's Report: Mr. Dean reported that I-540 will open this week; and super streets will open soon.

12. Closed Session: The Council approved a motion to enter Closed Session, pursuant to North Carolina General Statute 143-318.11(a)(4) to discuss matters of economic development, specifically, a potential development agreement for property in Holly Springs Business Park; and pursuant to N.C.G.S. 143-318.11(a)(3) to discuss matters under the client-attorney privilege regarding a lawsuit involving Holly Springs and HS Ventures LLC; and pursuant to N.C.G.S. 143-318.11(a)(5) to provide the attorney parameters in property acquisition for parks and recreation.

Motion By: VanFossen

Second By: Sack

Vote: Unanimous

General Account of Closed Session - Dec. 1 **8, 2012**

In general, Ms. Mizelle reported on three significant potential business development projects, and the Council provided parameters for economic development incentives to be offered, per town policy, for each project.

Mr. Schifano asked for and received settlement parameters for the lawsuit involving HS

Ventures LLC.

Mr. Schifano asked for and received negotiation parameters for the acquisition of real property from Wake County for parks and recreation purposes.

Minutes of those motions were sealed by the Council until the release of the information would no longer frustrate the purpose of the Closed Session.

Action: The Council approved a motion to seal the minutes of the Dec. 18, 2012 Closed Session until such time as the release of the information contained therein would no longer frustrate the purpose of the Closed Session.

Motion By: Sack

Second By: VanFossen

Vote: Unanimous

No other action was made in closed session, other than a motion to return to open session.

The Council approved a motion to return to open session. The motion was made by Councilman VanFossen and seconded by Councilman Sack, and the vote was unanimous.

-- End of General Account

13. Adjournment: There being no further business for the evening, the Dec. 18, 2012 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Sack, a second by Councilman VanFossen and a unanimous vote.

Respectfully Submitted on Tuesday, Feb. 5, 2013.

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These minutes follow and are a part of the official record.

