



**Feb. 5, 2013**

## **MINUTES**

The Holly Springs Town Council met in regular session on Tuesday, Feb. 5, 2013 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 four council members were present as the meeting opened.

**Council Members Present:** Mayor Sears, Councilmen James Cobb, Tim Sack and Councilwomen Linda Hunt Williams and Cheri Lee.

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

**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; Shawn Ryan, planner I; Daniel Weeks, project analyst; 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; Aaron Levitt, project 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 Rabbi Ederly of Temple Beth Shalom.

**4. Agenda Adjustment:** The Feb. 5, 2013 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:** 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:

Phillip Squires, Operation Coming Home - Mr. Squires addressed the Council to invite them to the ground breaking of the Operation Coming Home project in Forest Springs subdivision.

Michael Williams, 568 Wellspring Drive - Mr. Williams addressed the Council to ask for a meeting regarding support of the parks and recreation football program.

**6a. Arts Month Proclamation** - Mayor Sears presented the Holly Springs Arts Council with a proclamation declaring the month of February as Arts Month in Holly Springs.

Mayor Sears said during the week of Feb. 5-9, the Arts Council is hosting its first Community Arts Festival, a collaborative event between the Holly Springs Cultural Center and the Holly Springs Arts Council. Council President Brenda Priest introduced officers of the group and she invited the

public out to the festival.

**Action:** None.

**7a. Parks and Recreation Advisory Committee Report** - Mr. Kevin Adams, a member of the Parks and Recreation Advisory Committee, addressed the Council to provide its annual communication to the Town Council. The presentation covered the current state of parks and recreation programs, facilities and the bond.

**Action:** None.

**8a. Public Hearing:** Annexation Petition A13-01 - Mr. Jones said the Town has received a petition for voluntary satellite annexation of approximately .92 +/- acres located at 4124 Bibleway Ct. The property owners are Thomas and Ponnamma Alexander. The petition meets all the statutory requirements for annexation

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

There being no comments, the public hearing was closed.

**Action:** The Council approved a motion to adopt Annexation Ordinance A13-01 annexing .92 +/- acres owned by Thomas and Ponnamma Alexander, and more particularly described as Wake County PIN: 0669.01-35-4940, into the corporate limits of the Town of Holly Springs.

**Motion By:** Sack

**Second By:** Cobb

**Vote:** Unanimous

*A copy of Annexation Ordinance A13-01 is attached to these minutes.*

**8b. Public Hearing:** Annexation Petition A13-02 - Mr. Jones said the Town has initiated a petition for voluntary annexation of 117.116 +/- acres located at the end of Grigsby Avenue. The property was purchased by the Town at the end of 2012 and is contiguous with city limits. The petition meets all the statutory requirements for annexation.

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

There being no comments, the public hearing was closed.

**Action:** The Council approved a motion to adopt Annexation Ordinance A13-02 annexing 117.116 +/- acres owned by Town of Holly Springs, and more particularly described as Wake County PIN: 0658.02-57-4596, into the corporate limits of the Town of Holly Springs.

**Motion By:** Williams

**Second By:** Cobb

**Vote:** Unanimous

*A copy of Annexation Ordinance A13-02 is attached to these minutes.*

**9. 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 Cobb and a unanimous vote. The following actions were affected:

**9a. Minutes** - The Council approved minutes of the Council's regular meetings held on Dec. 18, 2012 and Jan. 15, 2013.

**9b. Town Council Annual Retreat Dates** - The Council set a special meeting, for the purpose of holding the Council's annual retreat, to convene at 9 a.m. Friday, Feb. 15 and adjourn at or before 5 p.m. Saturday, Feb. 16, 2013 at Pine Needles Lodge in Southern Pines.

**9c. Budget Amendment, \$1,195,090** - The Council adopted an amendment to the FY 2012-13 budget in the amount of \$1,195,090 to transfer funds from sewer reserves to cover wastewater treatment plant State Revolving Loan Fund payment. *A copy of the budget amendment is attached to these minutes.*

**9d. Budget Amendment, \$128,000** - The Council adopted an amendment to the FY 2012-13

budget in the amount of \$128,000 to reclassify utility funds from other financing sources to sewer capacity fees. *A copy of the budget amendment is attached to these minutes.*

9e. Budget Amendment, \$1,500 - The Council adopted an amendment to the FY 2012-13 budget in the amount of \$1,500 to cover the cost of meters. *A copy of the budget amendment is attached to these minutes.*

9f. Budget Amendment, \$52,400 - The Council adopted an amendment to the FY 2012-13 budget in the amount of \$52,400 to transfer funds from water reserves to cover annual water tank maintenance. *A copy of the budget amendment is attached to these minutes.*

9g. Contracts Report - The Council received a report of contracts approved by department heads, pursuant to Town policy.

9h. Donation - The Council received a donation of \$700 to the Parks and Recreation Department to purchase new televisions for the W.E. Hunt Recreation Center program rooms.

9i. North Main Athletic Complex Property - The Council approved a contract to provide forestry services to the North Main Athletic Complex property.

9j. Reclassification of Rescue Technician - The Council approved reclassification of Rescue Technician positions to that of firefighter.

**10a. Preliminary Plan Amendment 02-MAS-11.A1, Southpark Village Master Plan** - Ms. Holloman said the Town has received an amendment to the Southpark Village Master Plan. The project is located adjacent to G.B. Alford Highway between Avert Ferry Road and Ralph Stephens Road. The proposed amendment includes three new outparcels, #12-15, for a total of 17 commercial lots in the Southpark Village Shopping Center.

Ms. Holloman said the new lots originally were part of Lot #1 and planned for retail buildings similar to those adjacent to Harris-Teeter. The original master plan was for eight lots, she added.

Since the amendment exceeds administrative authority to add additional lots to the plan, the amendment is a major amendment requiring Town Council's approval.

She said at this stage in the development of this integrated center, the owner is concentrating on developing the remaining vacant lots of Southpark Village. The intent is to create viable, developable lots that can be purchased for development from an outside entity. In doing so, the developer would like to subdivide out an unusable part of the project area.

Ms. Holloman said that the area is proposed as lot #15 and contains protected wetlands as well as the center's bio retention device. Due to its location, this lot would not have access to a public street as required for all integrated center lots; therefore, the applicant is requesting a waiver of this requirement.

**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 3.05 B. 1. Minimum Lot Width and Frontage to allow a proposed lot within an integrated center to have no frontage on a public street for Petition #02-MAS-11-A11 for Southpark Village as submitted by McKim and Creed, Project Number 3438-0001, dated revised 1/4/13.

*A petition for a waiver of regulations of UDO Section 3.05 B. 1. Minimum Lot Width and Frontage for Petition #02-MAS-11-A11 for Southpark Village, to allow to allow a proposed lot within an integrated center to have no frontage on a public street may only be granted upon the presentation of sufficient evidence to enable a written determination that:*

- 1) The granting of the waiver will not be detrimental to the 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;*
- 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:** Williams

**Second By:** Cobb

**Vote:** Unanimous

**Action #2:** Having made findings of fact that the petition meets the requirements to be granted a waiver, the Council approved a motion to grant a waiver of regulations of UDO Section 3.05 B. 1. Minimum Lot Width and Frontage to allow a proposed lot within an integrated center to have no frontage on a public street for Petition #02-MAS-11-A11 for Southpark Village.

**Motion By:** Sack

**Second By:** Williams

**Vote:** Unanimous

**Action #3:** The Council approved a motion to approve detailed Master Plan Amendment #02-MAS-11-A11 for Southpark Village as submitted by McKim and Creed, Project Number 3438-0001, dated Revised 1/4/13 with the following conditions:

1. All previous conditions of approval for this master plan apply to this amendment.
2. A fee-in-lieu of upgrade will be required for this project for the Pump Station and/or Force Main
3. Prior to CO of additional buildings on this site, the receiving stormwater device must be installed and all required grading and plantings completed.

**Motion By:** Cobb

**Second By:** Sack

**Vote:** Unanimous

**10b. Sunset Lake Road Sidewalk** - Mr. Levitt said the Town Council approved the design contract for the Sunset Lake Road sidewalk project in August of 2012. This project will create a pedestrian connection along Sunset Lake Road from Kenmont Drive to the Sunset Lake Commons shopping center with a crossing of Sunset Lake Road at the intersection of Optimist Farm Road, Mr. Levitt said.

Since then, the surveying and design of this sidewalk has progressed and a final alignment has been determined. Property owners adjacent to the project were invited to a public information meeting to view preliminary plans and to discuss the project and their questions and concerns. On Jan. 15, the meeting was held with town staff and Sungate Design Group, our design consultant, and visitors were presented with the attached exhibits which clearly show the proposed sidewalk alignment, Mr. Levitt said. He added that citizens were encouraged to voice their opinions, questions, and concerns relating to the project.

He said one citizen, Mr. Walter Yates of 5321 Sunset Lake Road, attended the meeting. His comments were discussed internally, and they will be addressed - if necessary - during the land acquisition process, Mr. Levitt said.

**Action:** The Council approved a motion to endorse the proposed alignment for the Sunset Lake Road sidewalk project.

**Motion By:** Williams

**Second By:** Cobb

**Vote:** Unanimous

**10c. Downtown Development Investment Program Policy Statement P-33.1** - Ms. Mizelle said that in 2008, the Town created a policy entitled: Downtown Development Incentives that offered waivers of certain development improvement requirements and development fees for projects within the Village District Area Plan (VDAP) boundaries in order to encourage development within the downtown area. Since its inception, only one project - for the Mims house -- was requested and

received approval of a Downtown Development Incentive, but it was never executed and has subsequently expired.

Last year at the Town Council Retreat, it was determined and agreed that all required infrastructure for downtown projects must be completed at time of development and that no waivers shall be granted in the future for sidewalks, road widening, on-street parking, etc. Also at the Retreat, an idea to modify the Downtown Development Incentive Policy was presented that would provide for a means for the Town to ensure completion of improvements, but provide opportunities for the Town to encourage development, Ms. Mizelle said.

Based upon the feedback received and detailed evaluation of the previous policy and determining the goals for an update to the policy, the new Downtown Development Investment Program has been created.

The goal of the revised policy and the renaming of the policy, is to allow the Town Council to provide assistance for projects that meet certain expectations but are struggling to make their proforma work in regard to completing the additional infrastructure that is required in the VDAP area that is not required of projects elsewhere in Town such as decorative brick sidewalks, on-street parking, etc.

Since the Town has agreed that all infrastructure must be constructed in the downtown area, the proposed policy allows the Town to provide up to 50% of the additional infrastructure costs or \$25,000, whichever is less, to off-set those expenses. In addition, should the Town agree, a development agreement can also be prepared to modify certain plan review, building permit, and/or development fees. This policy will provide the greatest assistance to small projects by individuals who are attempting to open a business or build a single-use building in the VDAP area, Ms. Mizelle noted.

A DDI committee is established in the policy that is made up of the assistant town manager and the directors of the various "development" departments who will review and evaluate a request for Town investment and provide a recommendation to the town manager, who will make a recommendation.

The town attorney would then prepare a draft agreement, the town attorney and the committee would work out the terms of the draft agreement with the applicant, and then the town manager would present the request to the Town Council for official action and determination.

**Action:** The Council approved a motion to adopt Policy Statement P-033.1, an amended version of the Downtown Development Investment Program policy.

**Motion By:** Cobb

**Second By:** Sack

**Vote:** Unanimous

*A copy of Policy Statement P-033.1 is attached to these minutes.*

**10d. Town's Water Supply Plan Update** - Ms. Sudano said the State requires bi-annual updates of the Town's Water Supply Plan, and it is time for another one. She said this report is beneficial to the Town in evaluating sufficiency of water supply for our growing community as well as evaluating water loss.

Ms. Sudano said the Town had received a proposal from CDM to complete this for the Town as in the past. In addition, as CDM completes this plan, they will issue a short memo addendum to the Town's Water Demand Forecasting Study to update that document as well.

She said the proposal before the Council covers both tasks.

CDM performed the last full Water Supply Plan Update and other related work a couple of years ago and did an excellent job, Ms. Sudano said, adding that the firm is on the Town's consulting services database.

**Action:** The Council approved a motion to enter into a contract with CDM in the amount of \$10,200 for bi-annual update to the Town's Water Supply Plan.

**Motion By:** Cobb

**Second By:** Williams

**Vote:** Unanimous

**11. Other Business:** Councilwoman Lee expressed support for the Holly Springs High School basketball program; Councilman Sack reported that the super streets have been activated, and Ms. Sudano addressed the Council to explain that the super street intersections are activated but are only partially completed. The signal timing has not been synced yet, and she said it will be a few weeks before the super streets are fully operational. Councilwoman Williams urged the public to attend the arts festival. Mayor Sears noted a piece of art that has been installed at Rex Urgent Care.

**12. Manager's Report:** Mr. Dean reminded the Council of meetings and operational issues.

**13. Closed Session:** none.

**14. Adjournment:** There being no further business for the evening, the Feb. 5, 2013 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Sack, a second by Councilman Cobb and a unanimous vote.

Respectfully Submitted on Tuesday, March 5, 2013.

 \_\_\_\_\_

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

