



August 6, 2013

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, August 6, 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 three council members were present as the meeting opened.

Council Members Present: Mayor Sears and Councilmen James Cobb and Chet VanFossen and Councilwoman Linda Hunt Williams.

Council Members Absent: Councilwoman Cheri Lee and Councilman Tim Sack.

Staff Members Present: Chuck Simmons, interim town manager; John Schifano, town attorney; Joni Powell, town clerk, (recording the minutes); Daniel Weeks, project analyst; Jeff Wilson, information technology director; Len Bradley, parks and recreation director; Gina Clapp, planning director; Laura Holloman, planner I; Mary Hogan, finance director; Brian Camack, fire captain; Heather Kiefer, environmental engineer; Stephanie Sudano, director of engineering; Elizabeth Goodson, development review engineer; and Mark Andrews, public information officer.

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

4. Agenda Adjustment: The Aug. 6, 2013 meeting agenda was adopted with changes, if any, as listed below.

Motion By: Williams

Second By: Cobb

Vote: Unanimous

Items added to the Agenda: Holly Grove Middle School partnership request.

Items removed from New Business Agenda: 9a., street lighting on G.B. Alford Highway.

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: None.

6a. 2012 Erosion and Sedimentation Control Program Audit Report – Ms. Keefer gave a report from Engineering storm water staff providing a summary of the Town's soil erosion and sedimentation control program audit.

Action: None.

7a. Public Hearing: Annexation Ordinance A13-07 – Mr. Jones said the Town has received a petition for voluntary annexation of approximately 10.07 +/- acres located along Holly Springs New Hill Road. The property owners are WSLD 12 Oaks VI, LLC, and the property is contiguous with city limits.

He said the petition meets all the statutory requirements for annexation.

With that explanation completed, Mayor Sears opened the public hearing. 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 A13-07 annexing 10.07 +/- acres owned by WSLD 12 Oaks Vi, LLC, and more particularly described as Wake County PIN: 0639.04-84-3646, into the corporate limits of the Town of Holly Springs.

Motion By: VanFossen

Second By: Cobb

Vote: Unanimous

A copy of Annexation Ordinance 13-07 is attached to these minutes.

7b. Public Hearing: Annexation Ordinance A13-08 – Mr. Jones said the Town has received a petition for voluntary annexation of approximately 3.19 +/- acres located along Green Oaks Parkway. The property is owned by the Town of Holly Springs, and the property is contiguous with city limits.

He said the petition meets all the statutory requirements for annexation.

With that explanation completed, Mayor Sears opened the public hearing. 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 A13-08 annexing 3.19 +/- acres owned by the Town of Holly Springs, and more particularly described as Wake County PINs: 0639-93-7984; 0639-94-9124; and 0639-95-3025, into the corporate limits of the Town of Holly Springs.

Motion By: Cobb

Second By: VanFossen

Vote: Unanimous

A copy of Annexation Ordinance 13-08 is attached to these minutes.

7c. Public Hearing: Fiber Optic Network Report – Mr. Schifano said this required public hearing was held on July 16; however, bank quotes received in June were not locked in and the process must be repeated.

Mr. Schifano said in order to borrow funds for the installation of a fiber optic network, the Town of Holly Springs must first obtain approval from the Local Government Commission. A step in that application process is to hold a public hearing to receive comments from citizens on the question of whether or not the town should seek installment financing (as opposed to other financing.)

He said following the public hearing, the Council is asked to adopt two resolutions.

Note that the Town intends to finance a portion of this project with one borrowing not to exceed \$1,500,000.

Having received financing terms from a number of different banks, staff recommends that the Council authorize the Town to enter into a loan agreement with PNC for \$1,500,000 for a period of 10 years at an annual interest rate of 2.06% for installation of a fiber optic network, pending approval of the LGC. A resolution to be adopted authorizes an annual interest rate of up to 2.50% in order to prevent any further need for public hearing and notices in the event the interest rate changes.

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

There being no comments, the public hearing was closed.

Action #1: The Council approved a motion to adopt Resolution 13-31.1 approving financing terms and authorizing the Town to enter into loan agreement with PNC for \$1,500,000 for a period of 10 years at an annual interest rate of 2.06% for installation of a fiber optic network, pending approval of the LGC, and authorizing an annual interest rate not to exceed 2.50%.

Motion By: Cobb
Second By: VanFossen
Vote: Unanimous

A copy of Resolution 13-31.1 is attached to these minutes.

Action #2: The Council approved a motion adopt Resolution 13-27.1, a reimbursement resolution authorizing the Town to reimburse itself for expenditures in the fiber optic network project prior to the loan's closing.

Motion By: Cobb
Second By: VanFossen
Vote: Unanimous

A copy of Resolution 13-27.1 is attached to these minutes.

8a. Consent Agenda: The Council approved a motion to approve all items on the Consent Agenda. The motion carried following a motion by Councilman VanFossen, a second by Councilman Williams and a unanimous vote. The following actions were affected:

8a. Minutes – The Council approved minutes of the Council's regular meeting held March 19, 2013.

8b. Budget Amendment \$30,000 – The Council adopted an amendment to the FY 2013-14 budget in the amount of \$30,000 for the Convergent Nonprofit Solutions contract. *A copy of the budget amendment is attached to these minutes.*

8c. Budget Amendment, \$649,800 - The Council adopted an amendment to the FY 2013-2014 budget in the amount of \$649,800 to appropriate funds for the North Main Athletic Complex Phase 2 design services contract. *A copy of the budget amendment is attached to these minutes.*

8d. FY 2013-14 Fee Schedule Amendment – The Council approved an amendment to the FY 2013-14 fee schedule.

8e. Resolution 13-32 – The Council adopted Resolution 13-32 exempting the Comprehensive Secondary and Cumulative Impacts Master Mitigation Plan project from the requirements of G.S. 143-64.31. *A copy of Resolution 13-32 is attached to these minutes.*

8f. Budget Amendment \$120,000 – The Council adopted an amendment to the FY 2013-14 budget in the amount of \$120,000 for 911 PSAP Funds. *A copy of the budget amendment is attached to these minutes.*

8g. Contract Report - The Council received a report of contracts amounting to less than \$15,000 approved by department heads and management, pursuant to policy.

9a. G. B. Alford Highway Street Lighting – This item was removed from the agenda during agenda adjustment.

9b. Space Needs Analysis Contract – Mr. Weeks explained that in the not too distant future, the Town will encounter some opportunities as it relates to the usage of Town-owned building space. Specifically, the spaces in question are the police station, which is to be vacated with completion of the new law enforcement center, (roughly 5,000 square feet, 3,500 square feet of which is usable for offices); and the Bateman building (roughly 2,200 square feet) which will become usable for Town purposes once Bateman Civil Survey has vacated the building.

Mr. Weeks said it would be wise to have a better understanding of what the Town's space needs may be over the next few years as we are faced with what to do with these facilities. Options could range from relocating existing Town departments to leasing this space to external parties.

He said staff engaged Maurer Architecture out of Raleigh to assist with this study. The Town has contracted with Maurer in the past when designing Fire Station #2. They would analyze current staffing levels, department and office space, and help project future staff growth and space needs. Maurer would meet with each department (excluding police, fire, public works and public utilities) in an effort to anticipate growth and probable space needs. Maurer also would evaluate

and provide recommendations on more efficient ways to utilize space in Town Hall, which would obviously have a direct impact on the need for space in the two facilities listed above.

Action: The Council approved a motion to enter into a proposal with Maurer Architecture for a space needs analysis.

Motion By: Williams

Second by: Cobb

Vote: Unanimous.

9c. Development Plan Amendment 03-PUD-01-A07, Twelve Oaks PUD – Ms. Holloman said the purpose of a proposed amendment to the Twelve Oaks PUD is to incorporate an existing ± 13.07 acre parcel located near the entrance to the subdivision. The subject parcel is surrounded on all sides by the 12 Oaks subdivision and has significant frontage along New Hill Road. There are no associated development changes with this amendment, Ms. Holloman said.

The newly acquired land would be subject to the same PUD development criteria and standards as the existing land within Twelve Oaks.

She said a Planned Unit Development district is used to create a unified development and set forth a unique set of zoning regulations for the development therefore, a detailed site plan is not provided, only the dimensional and “zoning” standards for each area.

Action: The Council approved a motion to approve Planned Unit Development #03-PUD-01-A07 for Twelve Oaks as submitted by Tom Spaulding of Spaulding & Norris, PA, Project Number 410-02, dated 7/5/13 with the following conditions:

1. All previous conditions for the Twelve Oaks PUD will apply to this amendment.
2. The sewer stub required for the Stephenson tract of property must be constructed as per the current terms of the Developer Agreement dated March 20, 2012.
3. The following conditions must be addressed and shown on the next development plan that is submitted for the corresponding phase:
 - a. Prior to any new phase north and east of Phase 1 (also shown as SF7) the following items must be completed:
 - i. The road improvements along Old Holly Springs/Apex Road at Ivey Arbor Way.
 - ii. The road connection from Phase 3 to Ivey Arbor Way.
 - b. With the development of Phase 2, the following items must be completed:
 - i. The sewer stub required for the Smith, Harris and Lawrence tract of property must be constructed
4. Since this PUD amendment adds 13.07 acres to this project, the following conditions apply to the newly added area:
 - a. There is Developer Agreement dated March 20, 2012 associated with the original Twelve Oaks PUD area. This agreement will not include the newly added 13.07 acres. All fees and requirements outlined in the town’s ordinances and standards will apply to the new tract.
 - b. This revision adds property that was not part of the approved PUD. Any property that is added to the PUD is required to meet the Town of Holly Springs NPDES Ph. II Post Construction Storm water Ordinance.
 - c. A fee-in-lieu of upgrade will be required for this project for the Twelve Oaks Pump Station and associated Force Main (*Note that this will apply to new lots associated with the 13 acre additional area*).
 - d. Revised homeowner association covenants including the newly added area shall be recorded with the first plat associated with this portion of the subdivision.
 - e. The new roadway improvements required with this amendment for New Hill Road are required to be constructed at the time any portion of the new 13 acres is developed.
 - f. This project will be required to meet the Town of Holly Springs NPDES Ph. II Post Construction Storm water Ordinance.

- g. The following items must be addressed prior to or with the first construction drawing submittal for lots in the 13.07 acre additions:
 - i. Verify that the previous evaluations and design of the pump station took into account this area and additional lots. Please provide a copy of the latest approved sewer report with the areas of the report highlighted that show that this is addressed.
 - ii. Provide a copy of NCDOT information and status of offsite road improvements required by NCDOT which must be satisfied at the time NCDOT deems necessary.
 - iii. An update to the Reclaimed Water Hydraulic Report must be submitted and approved for the additional reclaimed water main extensions proposed.
 - iv. Provide Jurisdictional Determinations from the regulatory agencies to confirm S&EC's determinations.
 - v. A soils report must be submitted for any reclaimed irrigation that is used.
 - vi. Thoroughfares, collectors and boulevards will require a calculated pavement design with 1st construction drawing submittal. This may result in a pavement cross section bigger than the specified minimum.
 - vii. 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.
 - viii. Final copies must be provided for the Water System Hydraulic Report for documentation of fire flow and system pressure requirements.
 - ix. Verify if any additional easements are needed outside the right-of-way for sidewalk along New Hill Road.
- h. The following items must be addressed prior to the first construction drawing approval for any lots in the 13.07 acre addition:
 - i. All environmental permits must be obtained prior to construction drawing approval and/or issuance of a land disturbance permit for the entire project.
 - ii. Approval of Storm water Management Plan is required prior to issuance of a land disturbance permit or construction drawing approval.
 - iii. Payment of the Storm water Fee-in-Lieu will be required

Storm water 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 storm water 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.

Motion By: Williams

Second by: Cobb

Vote: Unanimous.

9d. Holly Grove Middle School Partnership Request – Mr. Bradley explained that Holly Grove Middle School is adding bleachers at its athletic fields also that are used by the Town of Holly Springs. The school is requesting that the Town share in the cost by providing a matching contribution to the project of \$19,000.

Mr. Bradley said this would be another example of how the Town can leverage its funding for new facilities to get more for less.

Jarod Smith and Shane Zimmer, both teachers at Holly Grove Middle School, addressed the Council to explain that the bleachers would accommodate 200 spectators. The school has raised the \$19,000 it needs for its half of the project.

Mr. Bradley said the Town's portion could come from Parks and Recreation reserve funds.

Action: The Council approved a motion to partner with Holly Grove Middle School for the addition of joint use bleachers at the school and to provide \$19,000 in matching funds.

10. Other Business: Mayor Sears and Council members commented on a number of events and programs.

11. Manager's Report: Mr. Simmons reported on a number of events and programs.

12. Closed Session: The Council approved a motion to enter Closed Session, pursuant to North Carolina General Statute 143-318.11(a)(3) to discuss matters relating to the acquisition of right of way for the paving of a portion of Logging Road.

Motion by: Cobb

Second by: VanFossen

Vote: Unanimous

General Account of Closed Session – Aug. 6, 2013.

In general, Council discussed with the town attorney a matter of eminent domain against a property owner on Logging Road.

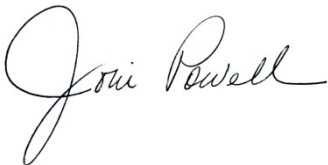
No further action was made in closed session.

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

-- End of General Account

13. Adjournment: There being no further business for the evening, the Sept. 3, 2013 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman VanFossen a second by Councilman Cobb and a unanimous vote.

Respectfully Submitted on Tuesday, Aug. 20, 2013.

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

