

# Holly Springs Town Council Minutes

## Regular Meeting March 21, 2006

The Holly Springs Town Council met in regular session on Tuesday, March 21, 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 all five council members were present as the meeting opened.

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

**Council Members Absent:** None.

**Staff Members Present:** Carl Dean, town manager; Charles Simmons, assistant town manager; John Schifano, town attorney; Linda R. Harper, deputy town clerk (recording the minutes); Gina Bobber, director of planning and zoning; Jeff Jones, planner II; Scott Hammerbacher, planner I; Kendra Stephenson, senior engineer; Stephanie Sudano, director of engineering; Cecil Parker, chief of public safety; Mark Andrews, public information officer; Drew Holland, finance director; Elizabeth Goodson, development review engineer; Johnny Dickinson, parks and recreation facility superintendent; Jenny Mizelle, economic development director; Daniel Weeks, project analysis; and Len Bradley, director of parks and recreation.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Don Brown of Village Church of Holly Springs.

**4. Agenda Adjustment:** The March 21, 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:** A presentation by Councilman DeBenedetto, representing the Rotary Club, with a donation of a double rocker, American flag, and NC State flag for the Bass Lake Retreat Center was added to Requests and Communications as 5c. And move agenda item 6h amendment to the Growth Plan, 06-GPA-06 adding the Northeast Gateway Area Plan to the Ten-Year Comprehensive Growth Plan to be heard after agenda item 6a under Public Hearings.

**Agenda Items Removed:** 8a. Consider a developer's request for permission to delay widening at 5432 Sunset Lake Road; and 8b. Consider entering a professional engineering services agreement for surveying of the Bass Lake Road sidewalk project; and 8d. Consideration of terms for an agreement with the developer of Forest Springs subdivision.

**Other Changes:** None.

Mayor Sears at this time introduced Wila Dean Thomas who is the new principal of Holly Grove Elementary School.

Ms. Thomas thanked the Mayor for the opportunity to speak and invited the Council Members who are interested in the new Holly Grove Elementary School to visit the Holly Springs Elementary School multi-purpose room on April 6<sup>th</sup> at 6 p.m. for an information session.

**5a. Holly Springs Development Committee** – Mayor Sears congratulated Ms. Mizelle for her latest accomplishments of becoming a Certified Economic Development Developer.

Ms. Mizelle said this request is to consider funding for the Holly Springs Development Committee's Urgent Home Repair Program. Ms. Mizelle explained that over the past few months, the Holly Springs Development Corporation (HSDC) has met regularly to revisit the focus and direction of the group. She said that all members have expressed interest in continuing to serve, and added two new members. She said that staff and volunteers identified two areas of focus - 1) economic development and 2) community development.

Ms. Mizelle reviewed the mission statement and the future goals of the Holly Springs Development Corporation Committee.

Ms. Mizelle said the most pressing need under community development is emergency repair needs of the town's low income community. She said the HSDC has been investigating ways to assist low income/disabled homeowners within the town limits with urgent home repairs. She said many homeowners that are in need, contact Wake County and are then referred to the Town of Holly Springs. She said there are some funds from the community development program, which are from repaid loans to the town upon sale of a residence where grant funds have been utilized under various community

development programs. She said there is not a program in place to provide this service.

Ms. Mizelle said the research has identified an organization called Resources for Seniors (RFS) of Wake County as an appropriate partner to partner with the HSDC, providing us with the most economical with matching funds and efficiency. She said the RFS oversees the bidding, construction, inspection side of the projects. Ms. Mizelle said the RFS is willing to match HSDC dollar-for-dollar for project costs. She said the HSDC pays RFS 20% of the project costs as an administration fee for the duties listed above.

Ms. Mizelle said there may be other opportunities for HSDC to partner with local service providers -- such as World Changers -- on a case by case basis where appropriate.

Ms. Mizelle said that funding of approximately \$20,000 exists in the Community Development Program income account. She said the HSDC is requesting that \$15,000 of these funds be transferred to HSDC's bank account at The Fidelity Bank for the Urgent Home Repair Program. Also, the committee is asking that the Town Council earmark \$15,000 for this program for fiscal year 2006-2007 budget. She said assuming the RFS has funds available; they will match our \$30,000 with \$30,000 of their own money. Ms. Mizelle said that will give the HSDC a total of \$60,000 for assisting disadvantaged homeowners in Holly Springs.

Ms. Mizelle said the request before the Council is to adopt a budget amendment for \$20,000 (\$5,000 for previous project and \$15,000 for current allocation) and authorize staff to transfer \$15,000 from the Community Development Program Income Account to HSDC for the purpose of this new program and direct \$15,000 to be allocated in the upcoming fiscal year 2006-07 budget for the HSDC's Urgent Home Repair Program.

The Council Members discussed the amount of staff and volunteer time that will be needed to operate the program. Ms. Mizelle said at first it will be at minimum and anticipates more involvement as the program grows. Ms. Mizelle also explained how the town received the \$20,000 in funds and the legal fee expenses of the prior community development projects.

Councilman Dickson asked if the 501-C3 non-profit organization application has been completed. Ms. Mizelle said that town staff will be glad to complete the application.

**Action:** The Council approved a motion to adopt a budget amendment for \$20,000 and authorize the transfer of \$15,000 from the Community Development Program Income Account to HSDC for the purpose of this new program and direct that \$15,000 be allocated in the upcoming fiscal year budget for the HSDC's Urgent Home Repair Program and upon the completion of the 501-C3 application for non-profit organization.

**Motion By:** Atwell

**Second By:** VanFossen

**Vote:** Unanimous

*A copy of budget amendment is incorporated into these minutes as an addendum page.*

Mayor Sears at this time recognized Lindy Brown who is running for District 2 for the Wake County Commissioners seat.

**5b. Parks and Recreation Youth Athletic Registration** – William Forrestal of 5908 Copperwood Lane addressed the Council Members with concerns of many parents about the Town's current football and cheerleading registration policy. Mr. Forrestal said that there are many contributions the out-of-limits families have contributed to the Town's parks and recreations programs such as: he has served as head and assistant coach for both football and cheerleading for 9 years; coordinated and published the Holly Springs football and cheerleading season long program for all teams and squads; founding member and president of the Holly Springs FCBC; developed lists of merchandise, spirit items and coordinated logo; recruiting and coordinated game announcer; and many other coaching duties, along with other non-residential volunteers who have children playing football and cheerleading.

Mr. Forrestal requested the Council to consider amending the registration policy to exclude football and cheerleading from the youth athletics resident/non-resident registration policy. He requested the registration be open to any returning participant or sibling of a returning participant when registration opens, whether a Holly Springs' resident or non-resident.

Pam Simmons of 104 Persimmon Bottom Circle said her concerns that there are children who participated in football and cheerleading last year and may not be able to participate in the program this year because they live out-side the city limits and the problem is these programs fill up quickly. Ms. Simmons requested the Council to consider grandfathering into the policy the out of city limits children that participated in football and cheerleading last year along with their siblings for the length of 2 years or until they move up to another age group whichever comes first. She also suggested to the parks and recreation department to research the cost analysis of adding more football and cheerleading teams to the program.

Terry James of 120 Cobble Point Way said that he lives within the Holly Springs town limits and supports the request to amend the registration policy to allow the children who participated in the youth sports program last year. He said the policy is a good policy, but feels that it's not right to the families who put so much effort and support in the program to not allow the children to participate in the program because of where they live.

Will Forestal, the son of William Forrestal of 3908 Copperwood Lane addressed the Council saying that he just wanted to play football and didn't understand why he couldn't play ball just because he lived out-side of the city limits. He said that he plays with these same kids at school and since the beginning of football and would like to continue to play football with

them.

Mr. Bradley explained to the Council Members that in August 2005, the Town Council approved changes in the parks & recreation department's first-come, first-served registration policy for youth athletics, summer camp and the after-school program as currently written in the Parks & Recreation Policy Manual.

Mr. Bradley said the registration policy was amended to limit registration for the above programs to the Holly Springs residents the first two weeks, and the third week would be open registration for everyone, residents and non-residents. He said the policy change was initiated at the request of the Holly Springs residents whose children were losing placement to non-resident participants in programs with limited space. He said this policy amendment was made by the recommendation of staff and the Recreation Advisory Committee.

Mr. Bradley said that Mr. Forrestal appeared before the Recreation Advisory Committee on March 9, 2006 and presented his proposal. He said the the Recreation Advisory Committee approved the proposal with a 6-2 vote.

Mr. Bradley explained that staff is suggesting one of the following options: 1)-Open football and cheerleading registration to residents for one (1) week followed by one (1) week registration for returning players (both residents and non-residents) and the third week open registration to everyone; or 2)-Grandfather in existing *football players only* and do a study on the costs of providing the football and cheerleading programs. He said the costs would determine the individual's fees to participate in the programs and would be passed along to non-residents. He said the projection cost for each child for football will be \$235 and for each cheerleader will be \$212 that will be passed along to non-residents.

Councilman Dickson reviewed a brief history of the growth in the football program within the last 5 years that his children has participated and how the coaches and other volunteers have contributed not only material, but non-material things as well, to the parks and recreation program over the years. He said that he would be in favor of extending the registration privileges to the non-resident's children who has participated in the football and cheerleading program in the prior years.

Councilman Womble asked how many fields does the town use for the football program.

Mr. Bradley explained the town is using one field and does not have a dedicated field for football. He said the Town uses the Middle Creek High School for football games and also will be using the new Holly Springs High School for games.

Councilman VanFossen asked town staff could the town add three (3) more teams to the league.

Mr. Bradley explained if by chance the department cannot fill all three additional teams, then none of the three (3) teams can participate. He said that not only will the participants lose out who assumed they would play football, but the Town would incur a huge expense. There will be no guarantee that three (3) additional teams could be registered on an annual basis.

Councilman VanFossen and Pam Simmons discussed the competitiveness of football and teaching the kids.

Mr. Bradley said last year the number of players per team was 35 and according to the Statewide Athletic Conference (SWAC) each football team is allowed only 30 players in order to compete in end-of-season tournaments, so five spots already have been eliminated.

Mr. Bradley said that there has been discussion regarding of adding additional teams as a method to solve the problem. He said that this is irrelevant to the issue for several reasons they are: First – the East Wake Football League (EWFL) has to approve the addition of teams, which has been discussed with representatives of EWFL.

Second - is the expense. He said that if a team is added, it must be added in all three (3) divisions, which would increase the number of teams from 3 to 6. The estimated cost to outfit three (3) more teams excluding cheerleaders would be approximately \$15,000 - \$20,000. The additional teams would require practice fields, which the town currently does not have. Mr. Bradley said also the expense to rent lights for the practices that end after dark.

Third - the parks and recreation department will be offering a fall baseball program this year and staff feels this will draw some participants from the football program.

**Action:** The Council approved a motion to grandfather the existing football players only until the non-resident player ages out or quits and to make an effort to add 2 additional teams, excluding siblings.

**Motion:** Atwell

The motion died for a lack of a second.

Councilman Dickson suggested the following motion to revise the registration policy for football and cheerleading programs to allow the prior year participates' the same registration privileges as those who live in the town limits.

At this time Mayor Sears allowed Mr. Mitchell to offer his comments.

Tom Mitchell, currently a non-residential said that he was one of the coaches for the football program. He said that he has two sons and the younger son also plays football. His concern was leaving the sibling out of the picture by not allowing the siblings to play in the same town as his older brother. He said that it would not be right to exclude the sibling from being allowed to play. It would create a problem with one child playing in Holly Springs and the younger sibling playing in another town.

Mr. Forrestal at this time gave the Town Council the total number of siblings participating within the last 2 years in the football and cheerleading programs.

**Action:** The Council approved a motion to revise the registration policy for the football and cheerleading program to allow the prior year participates' the same registration privileges as those who live in the town limits and to grandfather-in the 6 sibblings who participated for the length of 2 years or until they move up to another age group or quit, whichever comes first, with the same registration fees structure as the in-town residents.

**Motion By:** Atwell

**Second By:** Womble

**Vote:** Unanimous

Mr. Bradley said that he wanted everyone to understand that this was a necessary issue and enjoyed working with the residents.

Councilman Atwell asked Mr. Bradley to prepare a proposal for adding 2 football teams to be presented at the first Town Council meeting in April.

Mr. Bradley said that he could provide the Council with information and numbers of what the established cost will be for adding the 2 teams and maybe some last minute details to add to the FY 2006-07 budget.

**5c. Bass Lake Retreat Center Donations** – Councilman DeBenedetto, representing the Rotary Club, presented the Town with a donation of a double rocker, a American flag and a NC State flag for the Bass Lake Retreat Center.

Mayor Sears thanked the Rotary Club members for their generous donation.

**Action:** The Council approved a motion to accept the donation of a double rocker, American flag and a NC State flag for the Bass Lake Retreat Center.

**Motion By:** Dickson

**Second By:** Atwell

**Vote:** Unanimous

**6a. Public Hearing: Bridgewater Subdivision Amendment 03-DP-05-A02** – Mr. Hammerbacher explained to the Council that the developers of Bridgewater development, 03-DP-05-A02, is requesting for a major amendment that will allow a five-foot front yard setback for 12 corner lots within the R-8 development incentives section of the Bridgewater subdivision. He said the original subdivision plan approved 50-foot-wide corner lots with 20-foot front yard setbacks and five-foot side yard setbacks.

Mr. Hammerbacher said the applicant is requesting to amend the plan to be able to build a house that is wider than 25 feet. He said since a corner lot has two 20-foot front setbacks according to the Unified Development Ordinance (UDO), would create a problem with the building area.

Mr. Hammerbacher said that staff and the planning board recommend approval with conditions. Mr. Hammerbacher said one planning board member voted against the proposed amendment, because he felt reducing the front setback for corner lots would negatively impact the sight lines of the streetscape and the overall aesthetics of the development.

Councilman DeBenedetto asked town staff being the setback is five foot from a structure would this allow the structure, such as, bay windows, porches, steps, etc. to encroach into the sidewalk easement.

Mr. Hammerbacher said that would be sited during the building permit process. He said the developer is requesting this because it was overlooked during the preliminary plan review process. He said that the applicant was given three choices and the applicant chose to come before the Town Council for an amendment to the plan.

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded:

Thomas Spaulding of Spaulding and Norris of 972 Trinity Road, Raleigh representing the applicant said he simply didn't realize during the site plan review process that a corner lot can impose as having two front yard setback of 20 feet. He said the plan calls for 12 corner lots with two 20 front yard setback. He said this would limit the size of the house that could be built on that corner lot. Mr. Spaulding said that he understands that there are going to be some site limitations on some of the corner lots.

Councilman VanFossen and staff discussed the streetscape and the architectural of corner lots with a house built five feet from the property line and the adjacent house with a 20 foot front yard setback. Councilman VanFossen said that he would agree to amend the setbacks to eight feet or 10 feet setback.

After much discussion among the Councilmen and Mr. Spaulding there were all in consensus to allow a 10 foot front setback for the proposed 12 corner lots.

There being no testimony, the public hearing was closed.

**Action:** The Council approved a motion to approve Development Plan Amendment #03-DP-05-A02 for Bridgewater with a 10 foot front setback as submitted by Spaulding & Norris, Project Number 427-2003, dated revised February 3, 2006, with the following condition:

1. All previous approval conditions associated with the original approval will still apply.
2. For each of the corner lots that setbacks are reduced, the sight distance triangle must be maintained by verifying that all structure are constructed outside of the sight distance triangle.
3. The developer to resubmit revised plans reflecting the 10 foot front setback within 10 days.

**Motion By:** VanFossen

**Second By:** Womble

**Vote:** The motion carried following a vote of 4-1 vote. Councilmen VanFossen, Womble, DeBenedetto and Dickson vote for. Councilman Atwell voted against.

**6h. Public Hearing: Growth Plan Amendment 05-GPA-06-** This item was moved up during the agenda adjustment. Mr. Jones explained that this request is to consider amending the Ten-Year Comprehensive Growth Plan by adding the Northeast Gateway Plan to the Land Use Element.

Mr. Jones explained the seven policies that would set the development pattern for future uses within the study area, they are: 1) creating a sense of arrival into Holly Springs through gateway features; 2) provide a pedestrian friendly environment; 3) limit the number of signs; 4) place parking to the rear and sides of buildings and bring buildings closer to the roadway; 5) mix of uses, such as, office, retail, single family, multi-family residential; 6) create a sense of place through architecture and design; and 7) provide interconnectivity through the use of shared driveways and limited curb cuts.

Mr. Jones said staff has prepared a proposed land use map that changes some of the land use designations for parcels within the study area. He said staff has added more business and higher density residential designations as opposed to the mixed-use designation that is now the primary "use" designation for the area.

Mr. Jones spoke on the highlights of the plan that would require businesses with driveways within the business designation to have their driveways set to the side or rear of the buildings.

Mr. Jones explained the business, mixed use, commercial, very high density residential, high density residential and medium density residential elements of the Land Use Plan.

Councilman Atwell suggested the gateway sign to be to read as "Welcome to Holly Springs" or just "Holly Springs."

Mr. Jones said that the Town previous approved a transportation schematic plan that identifies the proposed roadways and future pedestrian underpasses for I-540 and Holly Springs Road and the location for future gateway features.

He said this area primarily identified with the intersection of Sunset Lake Road and Holly Springs Road has undergone many changes in the past five years. He said with the influx of new commercial development, especially the Sunset Commons Shopping Center, the need for a finer detail study of the area is warranted to ensure that the development that will come to this area is in character with the desires of the citizens of the community.

There was discussion among the Council Members and staff regarding the future thoroughfare plan and the differ routes of Kildaire Farm Road and Holly Springs Road as per the draft NC DOT thoroughfare plan at the I-540 interchange.

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

There being no testimony, the public hearing was closed.

Councilman DeBenedetto said he was concerned with the high density and the mixed use in the areas located near the I-540 and Sunset Lake Road. He said that he would be more comfortable with medium density in that area.

Mr. Jones explained the difference between high density and medium density. He said the mixed use district was intended for low-intensity business activity of a small scale to promote a village atmosphere.

Councilman VanFossen said that he agreed with the high density for the area near I-540 and Sunset Lake Road and that it would be hard to market at a lower density. Councilman Atwell agreed as well with the high density for that area.

**Action:** The Council approved a motion to adopt Resolution 06-15 enacting the Northeast Gateway Plan section to be added to the Ten-Year Comprehensive Growth Plan Land Use Element.

**Motion By:** Atwell

**Second By:** VanFossen

**Vote:** The motion carried following a vote of 4-1 vote. Councilmen Atwell, VanFossen, Womble, and Dickson vote for. Councilman DeBenedetto voted against.

*A copy of Resolution 06-15 and Northeast Gateway Plan are incorporated into these minutes as addendum pages.*

**6b. Public Hearing: 8811 Stephenson Road Zoning Map Change 05-REZ-15 –** Mr. Jones explained the applicant is requesting to rezone property containing 7.51 acres located on the northeast corner of Sunset Lake Road and Stephenson Road from R-20 Residential to LB: Local Business.

Councilman DeBenedetto asked the zonings of the adjacent properties to the proposed property being rezoned.

Mr. Jones identified the surrounding zonings and clarified the areas where the Town of Apex boundary line begins. Mr. Jones said that he had spoken with the Town of Apex staff and they did not have a problem with designating the property as Local Business as long as the town maintains the pedestrian and transportation plans.

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded:

Leroy Reynolds an adjacent property owner of the property located to the north of this property. He said that he was not opposed to the rezoning, but his interest was in the interchange on the I-540 and Sunset Lake Road. He requested the Council to consider the surrounding community and the citizens in that area when making a decision.

Councilman Atwell clarified that the Town does not rezone properties without the property owner's consent, the petition before the Council the applicant is requesting his property be rezoned.

Charles Miller of 3605 Black Forest Drive in Fair Oaks subdivision said that his main concern was the surrounding property is considered medium density and the proposed zoning map change is mixed use density. He said with the proposed mixed use density he was concerned how that would affect his property values and the community.

Karen McCoy 3805 Lake Song Circle a resident of the mobile home park said that her concern was what would happen to the property once it was rezoned. She was also concerned how much notice would be given to the tenants of the

property if she would be required to move.

Councilman Dickson explained at this point the Council is considering only the zoning of the property not the use.

Jeff Peterson 121 Morganford Place, Apex the property owner assured the residents of the mobile home park that he would give plenty of notice of what was being planned for the use of the property. He said at this time, there are no plans for the property for the next one or two years in the future.

Ella Judd of 4700 Sunset Lake Road said that she was concern with the types of businesses that would be built in the local business district.

There being no testimony, the public hearing was closed.

Councilman Atwell explained that the Council is not considering the type of business or construction that could possible be built on that site, just the zoning of the property

Councilman DeBenedetto said that he was in favor of leaving the zoning at medium density and not at the higher density.

There were must discussion among the Council Members regarding the difference between medium density and local business zoning district.

**Action #1:** The Council approved a motion to adopt the following statement of compatibility: That the zone map change is consistent with the Holly Springs Ten-Year Comprehensive Growth Plan, and the Northeast Gateway Plan for mixed use near the intersection of Stephenson Road and Sunset Lake Road.

**Motion by:** Atwell

**Second By:** Dickson

**Vote:** The motion carried following a vote of 4-1 vote. Councilmen Atwell, VanFossen, Womble, and Dickson vote for. Councilman DeBenedetto voted against.

**Action #2:** The Council approved a motion to approve Zone Map Change 05-REZ-15 to change the zoning of 7.51 acres of Wake County Pin# 0750-72-1531 from R-20: Residential to LB: Local Business.

**Motion by:** Atwell

**Second By:** Dickson

**Vote:** The motion carried following a vote of 4-1 vote. Councilmen Atwell, VanFossen, Womble, and Dickson vote for. Councilman DeBenedetto voted against.

**6c. Public Hearing: Annexation Ordinance A06-03, Charles G. Irving (Rose Project)** - Mr. Jones said the Town has received a petition for voluntary annexation of 16.17 acres being called the Rose project. 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 testimony, the public hearing was closed.

**Action:** The Council approved a motion to adopt Annexation Ordinance A06-03 annexing 16.17 acres owned by Charles G. Irving, and more particularly described as Wake County PIN: 0750.04-81-5052, into the corporate limits of the Town of Holly Springs.

**Motion By:** Atwell

**Second By:** VanFossen

**Vote:** Unanimous

*A copy of Annexation Ordinance A06-03 is incorporated into these minutes as addendum pages.*

**6d. Public Hearing: Zoning Map Change 06-REZ-04, Rose Project** - Mr. Jones explained that the applicant is requesting that 16.17 acres located 400 feet South of Edwards Drive on the east side of Sunset Lake Road be rezoned from R-30 Residential to R-8 Residential.

Mr. Jones said that this zoning request is consistent with the Ten-Year Comprehensive Growth Plan of the Northeast Gateway plan that designates this area as high density.

Mr. Jones said both staff and the Planning Board recommend approval. He said that one planning board member voted against, because he feels that the R-8 zoning is not in character with the current area and that the I-540 may never be built.

Councilman Atwell asked what uses are in the mixed use district.

Mr. Jones said that the mixed use of the Northeast Gateway plan would include offices, retail, single family and multi-family residential uses.

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

There being no testimony, the public hearing was closed.

**Action #1:** The Council approved a motion to adopt the following statement of compatibility: The zone map change is consistent with the Holly Springs Ten-Year Comprehensive Growth Plan, and the Northeast Gateway Plan for higher density

near the I-540 thoroughfare.

**Motion By:** Womble

**Second By:** Atwell

**Vote:** The motion carried following a vote of 4-1 vote. Councilmen Atwell, VanFossen, Womble, and Dickson vote for. Councilman DeBenedetto voted against.

**Action #2:** The Council approved a motion to approve a Zone Map Change 06-REZ-04 to change the zoning of 16.17 acres of Wake County Pin# 0750-81-5052 from R-30: Residential to R-8:Residential.

**Motion By:** Womble

**Second By:** Atwell

**Vote:** The motion carried following a vote of 4-1 vote. Councilmen Atwell, VanFossen, Womble, and Dickson vote for. Councilman DeBenedetto voted against.

**6e. Public Hearing: Annexation Ordinance A06-04, Lennar Homes, LLC** - Mr. Jones said the Town has received a petition for voluntary annexation of .302 acres, a sliver of land being developed in Hunter Glade, phase 2. 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 testimony, the public hearing was closed.

**Action:** The Council approved a motion to adopt Annexation Ordinance A06-04 annexing .302 acres owned by Lennar Homes, Inc., and more particularly described as Wake County PIN: 0659-52-2256, into the corporate limits of the Town of Holly Springs.

**Motion By:** Womble

**Second By:** Dickson

**Vote:** Unanimous

*A copy of Annexation Ordinance A06-04 is incorporated into these minutes as addendum pages.*

**6f. Public Hearing: Annexation Ordinance A06-05, Howard Beckwith** - Mr. Jones said the Town has received a petition for voluntary annexation of 4.63 acres located between Holly Glen and Braxton Village subdivisions. 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:

Jim Canfield of Withers & Ravenel, of 111 Mackenan Drive, Cary representing the applicant said that Mr. Beckwith is requesting the Town Council to consider deferring the action for this item until after the public hearing for the rezoning of this property.

Councilman Atwell said that he was not in favor of deferring the action of the annexation petition and would like to action at this time and not after the public hearing for the rezoning request.

Mr. Schifano said that the Town will be acting within its' rights by voting on the voluntary annexation petition being the Town has received an original signed petition by the property owner. Mr. Schifano said that the Town has allowed in the past to act on the public hearing for the rezoning before giving action on the annexation petition.

There being no testimony, the public hearing was closed.

**Action:** The Council approved a motion to adopt Annexation Ordinance A06-05 annexing 4.63 acres owned by Howard Beckwith, and more particularly described as Wake County PIN: 0638.02-97-1339, into the corporate limits of the Town of Holly Springs.

**Motion By:** Womble

**Second By:** DeBenedetto

**Vote:** Unanimous

*A copy of Annexation Ordinance A06-05 is incorporated into these minutes as addendum pages.*

**6g. Public Hearing: Zoning Map Change 06-REZ-01, North Hobby Tract** - Mr. Jones said that the applicant is requesting to rezone two properties totaling 8.4 acres, located south of Avent Meadows Lane and west of Sycamore Creek Drive be rezoned from Holly Springs R-15 zoning and Wake County R-30 zoning: Residential to R-10: Conditional Use Residential with the following conditions:

1. No more than 20% of lots shall have slab on grade foundations.
2. All other lots shall have crawl spaces or stem wall construction.
3. 2.5" caliper (minimum) street trees shall be planted on both sides of street at 50' intervals.
4. 10,000 sq. ft. minimum lot size.

Mr. Jones said the requested zoning change is consistent with the Ten Year Comprehensive plan, in preserving the medium density designation for the use of the property.

Councilman DeBenedetto discussed with staff the minimum 10,000 square lot size requirements.

Mr. Jones said both staff and the Planning Board recommend approval.

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

None.

Bob Blake of 321 Sycamore Creek Drive is an adjacent property owner and representative of a group of people that lives on Sycamore Creek Drive. He reviewed the history of the prior rezoning request for the property and read his previous statement of objecting to the R-10 zoning. He said that he had concerns with clear cutting of the trees and damage. He said that putting additional homes will cause further drainage problems in those areas.

Jim Canfield of Withers & Ravenel of 111 Mackenan Drive, Cary said that there are more restricted guidelines and requirements for the Cape Fear Buffers. He said that the developer has discussed the clearing cutting of the trees would be a minimum and the water run-off will be contained within the site to drain back into the creek. Mr. Canfield requested the Council to consider approval for the R-10 CU: residential with conditional use.

Bob Blake of 321 Sycamore Creek Drive, requested the Council to consider zoning one parcel R-10: residential and the remaining parcel R-15: residential zoning.

Mayor Sears said that the Town has received emails from residence of Holly Glen stating they opposed.

There being no testimony, the public hearing was closed.

There were much discussion among the Council of the advantages and the disadvantages regarding the traffic impacts, water run-off and the lot sizes between R-10: residential and the R-15: residential zoning districts. The Councilman all agreed with the topography of the property that the difference between R-10 and the R-15 zoning would be only one or two additional lots in the R-15 zoning district.

**Action #1:** The Council approved a motion to adopt the following statement of compatibility: The zone map change is consistent with the Holly Springs Ten Year Comprehensive plan, in that it preserves the medium density designation for the use of the property.

**Motion By:** VanFossen

**Second By:** Womble

**Vote:** The motion carried following a vote of 4-1 vote. Councilmen Atwell, VanFossen, Womble, and Dickson vote for. Councilman DeBenedetto voted against.

**Action #2:** The Council approved a motion to approve a Zone Map Change 06-REZ-01 to change the zoning of 4.2 acres of Wake County Pin# 0638-97-0691 from R-15: Residential to R-10 Conditional Use Residential and 4.2 acres of Wake County Pin# 0638-97-1339 from R-30: Residential to R-10 Conditional Use Residential with the following 4 (four) conditions:

1. No more than 20% of lots shall have slab on grade foundations.
2. All other lots shall have crawl spaces or stem wall construction.
3. 2.5" caliper (minimum) street trees shall be planted on both sides of street at 50' intervals.
4. 10,000 sq. ft. minimum lot size.

**Motion By:** VanFossen

**Second By:** Dickson

**Vote:** The motion carried following a vote of 4-1 vote. Councilmen Atwell, VanFossen, Womble, and Dickson vote for. Councilman DeBenedetto voted against.

**6i. Public Hearing: Ordinance Amendment, 06-04 (06-UDO-01)** - Mr. Jones explained that during the past year, the Technical Review Committee (TRC) and staff has discussed the Development Incentives Section (2.09) of the UDO and made amendments to that section that would get more open space and a higher quality of housing product for the Town and its residents. Mr. Jones said the current development incentive section requires no open space be set aside for a project. He said this amendment would require to set aside at least 10% of the total project area for open space, and of that 10%, at least 50% of that area will need to be active recreational, pool area, tot lot, or playground.

Mr. Jones said another major change to the section is decreasing the number of townhomes that are allowed. He said currently up to 50% of the units can be townhomes. He said with the amendment it will decrease that number to 35%, except for projects less than 25 acres or within the Village District Area Plan boundary.

Mr. Jones said the other amendment is increasing the design features that a developer must use for the houses to qualify for the use of smaller lots. He said also the use of vinyl siding is being limited to just accent features for homes, up to 20% maximum. He said the ordinance amendment is amending the following as well:

1. Change the name of the section from Development Incentives to Development Options.
2. To continue to allow for up to 50% townhomes in projects that is less than 25 acres or within the VDAP boundary.
3. A minimum of 10% open space.
4. A minimum of 50% of the newly required open space be set aside for active recreational purposes, i.e. a pool, playground, game court.
5. Allow for a limited use of vinyl siding for accent elements only, up to 20% of the façade.
6. For residential front façades upping the required number from 5 to 7 items from the menu and modifying the list of



features that can be used. See attached menu of items.

7. Requiring architectural requirements for detached garages.
8. Increasing the number of design features for the rear and side façades.
9. Greenbelt must be separate from the adjacent lot and deeded to the HOA.
10. Requiring Architectural requirements for all lots, not just those under 10,000 sq. ft.
11. Adding a maximum distance requirement for open space from lots utilizing reduce lot size for single family dwellings.
12. Increasing the design requirements for Multi-family.
13. Require streetscape improvements along the main collector streets for the neighborhood.
14. Adding additional findings of fact that the applicant must answer before going to the Town Council.

Mr. Jones said both staff and the Planning Board recommend approval with conditions. He said two of the Planning Board members voted against the ordinance saying they were concern that the amendment is requiring the incentives to apply to all lots within a development and not just those that use reduced lot size.

There was discussion about how the density was calculated and the development options that may create hardships for property owners in the future if they wanted to make architectural changes to their homes.

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

There being no testimony, the public hearing was closed.

**Action:** The Council approved a motion to adopt Ordinance A06-05 to approve and enact the Unified Development amendment 06-UDO-05 to amend Section 2.09, residential development incentives.

**Motion By:** VanFossen

**Second By:** DeBenedetto

**Vote:** Unanimous

*A copy of Ordinance 06-04 is incorporated into these minutes as addendum pages.*

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

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

7b. Minutes – The Council approved the corrections to Council's regular meeting held on Dec. 20, 2005.

7c. Budget Amendment Report – The Council received a report of budget amendments #76 through #96 approved by the town manager. *A copy of the budget report is incorporated into these minutes as addendum pages.*

7d. Resolution 06-16 – The Council adopted Resolution 06-16 enacting the Design Procedures Manual 06-DPM-01 reflecting the NC General Statues changes regarding planning matters. *A copy of Resolution 06-16 and Design Procedures Manual are incorporated into these minutes as addendum pages.*

7e. Ratification of Ballentine Street Extension Developers Agreement – The Council ratified the development agreement with New South Holdings, LLC for design services for the Ballentine Street extension. *A copy of the Ballentine Street extension developer's agreement is incorporated into these minutes as addendum pages.*

7f. Budget Amendment \$1,750 – The Council adopted a amendment to the FY 2005-06 budget in the amount of \$1,750 to receive insurance proceeds for the public safety department. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

**8a. 5432 Sunset Lake Road Widening Delay Request** – This agenda item was removed during agenda adjustment.

**8b. Bass Lake Road Sidewalk** – This agenda item was removed during agenda adjustment.

**8c. Avent Ferry Road Widening Project Bid Award** – Ms. Stephenson said this request is for the Council to consider awarding a bid for the Avent Ferry Road widening project. She said the project is on an extremely aggressive schedule, to make sure the design, utility relocations, and right of way acquisition are completed in time for the opening of the new Holly Springs High School in August of this year.

Ms. Stephenson said that Kimley Horn has completed the design. She said the scope of this project includes the construction of an additional lane of pavement along Avent Ferry Road from NC 55 Bypass to the current widening at Autumn Park subdivision, as well as a slight realignment of Piney Grove-Wilbon Road.

Ms. Stephenson said that staff is communicating with two developers of nearby projects about the possibly adding more improvements to this contract via change order, if so, the change order will be coming before you in the a future meeting.

Ms. Stephenson said staff is recommending awarding the bid to the lowest responsive bidder of Asphalt Experts and adopt a budget Ordinance 06-05 in the amount of \$1,642,140, to set-up funding for this project.

**Action:** The Council approved a motion to award the bid to the lowest responsive bidder to Asphalt Experts for construction of the Avent Ferry Road widening project.

**Motion By:** VanFossen

**Second By:** Womble

**Vote:** Unanimous

Councilman VanFossen made a motion to amend the motion to adopt a budget Ordinance 06-05 in the amount of \$1,642,140, setting up funding for this project.

**Second By:** Womble

**Vote:** Unanimous

*Copies of the Ordinance 06-05 is incorporated into these minutes as an addendum page.*

**8d. Forest Springs Subdivision Developer's Agreement Terms** – This agenda item was removed during agenda adjustment.

**8e. Union Ridge Development Sewer Alternative** – Ms. Sudano said Union Ridge subdivision is a 221-lot residential development approved by the Town Council in July 2005 and that is now in the construction review process. She said the approved plan shows sewer service to the project via a deep gravity sewer line tying into the Town's new regional Avent Ferry Road pump station.

Ms. Sudano said that in December 2005, the Council approved terms of a developer agreement that included, among other things, fee credits to the developer for over-sizing the gravity sewer line between Union Ridge and the Avent Ferry pump station. She said that since that time, however, the developer has realized that installing a gravity sewer line would be too expensive.

She said the developer is requesting that the Town approve a change to his subdivision plan to provide sewer service with a new pump station instead of the original planned gravity sewer line.

Ms. Sudano said the developer's engineer provided the following estimated costs of various pump station scenarios to serve the Union Ridge development:

- \$350,500 to serve Union Ridge plus the entire basin. Ms. Sudano said staff and the town consultants think this number may be too low. She said the pump station would be similar to the size of the Avent Ferry Regional pump station, which is costing \$800,000.
- \$188,200 to serve just Union Ridge subdivision.
- \$162,300 is the cost difference between the two scenarios above. Ms. Sudano said that staff and the town manager would not recommend issuing credits for any portion of a pump station. She noted that the town has spent additional monies modifying the Avent Ferry Road pump station to accommodate the proposed gravity line from the Union Ridge development.

Ms. Sudano said the developer's engineer also has provided the following estimated costs for gravity sewer scenarios to serve the development:

- \$3,100,421 on the original alignment through Union Ridge. Of that, \$176,804 is the developer's estimate of the portion that is attributable for upgrades and that would be eligible for credits against Town fees;
- \$2,460,397 on alignment through a low point on Progress Energy property. Of that, \$344,818 is the developer's estimate of the portion that is attributable for upgrades and that would be eligible for credits against Town fees;
- This option would be suitable - \$1,587,932 revised cost on alignment through the low point on Progress Energy property. The Town would request bore instead of trench installation. Of that amount, \$899,550 of the cost is the developer's estimate of the portion that is attributable for upgrades and eligible for credits against Town fees; and
- The Town estimates at least \$15,000 annual operations and maintenance costs for each pumping station of this size.

Ms. Sudano said there also are utility credits, such as water and sewer capacity, available for the Union Ridge project. Councilman Womble asked staff to explain the \$15,000 pump station annual operations and maintenance cost.

Ms. Sudano explained that the Town does not permit installation of new pumping stations for development when gravity sewer exists downstream. She said in this particular instance and location, the costs of the various gravity sewer options increase in expense for the Town as they decrease in expense for the developer, because a larger proportion of construction costs are attributable to over-sizing as the sewer line is moved into less deep, more suitable areas. She said the result of this is that more town money (via fee credits) is spent for the gravity sewer line option that is most suitable.

She said for new pump stations of the size needed, the average annual operating and maintenance costs is \$15,000 because of a station's increased risk of environmental spills and because the stations provide an additional source of complaints for odor and traffic, which the Town would be expected to address.

Ms. Sudano explained that for the Union Ridge project, the downstream sewer was modified to handle this project's flow by gravity via lowered inverts.

Ms. Sudano said that the Town does not support the installation of new pumping stations. She added that staff would recommend that, if the Council approves the developer's request to serve Union Ridge development with a pumping station, that the Council's approval be subject to the following being included in an infrastructure reimbursement agreement: no reimbursement credits would be given for sewer, and the developer would pay a \$15,000 operation and maintenance payment annually to town for the 10 years that is the life expectancy of a pump station.

Councilman VanFossen said that there is always the option of adding gravity sewer.

Shawn Hine of Blackmon Engineering, 234 East Main Street, Clayton, represented the applicant in addressing the Council. He said that the developer researched the options of over-sizing the gravity sewer line between Union Ridge and the Avert Ferry pump station and realized it would be too expensive to construct. Mr. Hines pointed out that the City of Raleigh is the only municipality that has a written policy addressing gravity sewer lines versus installing pump stations.

He said the estimated engineer's cost to serve the development plus the entire basin is \$350,500, and the cost to serve the just Union Ridge subdivision is \$188,200. He said the developer is requesting permission without conditions to install a pump station instead of gravity sewer to serve the area and the development, along with \$162,300 in fee credits, which amounts to the difference between the cost of a pump station to serve the entire basin and the cost to serve only the Union Ridge subdivision.

Councilman VanFossen said he did not understand why the Town was not giving the developer credits for over-sizing the proposed pump station and why the Town would be charging \$15,000 annually in operation and maintenance fees.

Ms. Sudano explained the plan originally calls for a gravity sewer line and feels that is what should be constructed. She said the reasoning for \$15,000 in annual operation and maintenance fees is based on an estimate of how much it is going to cost the town for maintaining a pump station.

Councilman VanFossen said he felt that if this was a Town project, the Town would be proposing a pump station versus a gravity sewer line.

There was further discussion about the developer's engineer's estimates, which could be considered too low.

Councilman VanFossen said he felt the developer should be allowed to install a pump station to serve the entire basin at a cost based on the engineer's estimate of \$350,500 and that the Town should provide \$162,300 in credits. He said, in his opinion, it would be up to the developer to pay the rest of the cost and to design the pump station according to the Town's standards.

Ms. Sudano said that the development reimbursement agreement could be written to reflect that concern.

On the question of an annual operations and maintenance fee, Councilman VanFossen said he understood the developer pays sewer and water fees, which should cover the operations and maintenance for the pump station.

Ms. Sudano explained that the operation and maintenance fee is captured with the sewer and water billing monthly fees, and the development fees are the fees to cover only the installation of infrastructure.

Councilman VanFossen said he still did not think the developer should not have to pay the \$15,000 per year operations and maintenance fee.

Councilman Womble said he agreed with Councilman VanFossen.

Councilman DeBenedetto asked what the impact would be to the Town if the operation and maintenance fees were not paid.

Mr. Dean said the reasoning behind the Town's requiring gravity lines is that the Town is trying to eliminate pump stations altogether in order to lower the cost of the operations and maintenance of pump stations. Mr. Dean explained that the development plan originally was approved as a gravity sewer line. Based on that approval, the Town went to the added expense of redesigning the Avert Ferry Road regional pump station for gravity sewer lines from the Union Ridge area.

Councilman VanFossen asked what impact the redesign would have on the Town.

Ms. Sudano explained that the Town lowered the sewer line inverts and wet well modification at the pump station.

Councilman VanFossen and Ms. Sudano discussed the magnitude and the expense of the upgrades to the pump station.

Councilman Womble asked if the Town has any written policy regarding this matter and if the town is going to continue to implement gravity sewer requirements in lieu of pump stations and continue to impose operation and maintenance fees for developments that install pump stations.

Ms. Sudano said yes, the Town has a written policy in the Engineering Design and Construction Standards that addresses this issue. She said that the Town's rule is it will consider allowing installation of a pump station if the estimated cost of installing a gravity line is 3.5 or more times the estimated cost of a pump station.

There was further discussion of the reasoning behind recommending gravity sewer lines versus pump stations, including the Town's goal to reduce the number of these individual types of pump stations; and that it would be more cost-effective to build and utilize regional pump stations, which would result in less odor and environmental issues.

**Action:** The Council approved a motion to approve the developer's requests, to wit, the Union Ridge subdivision plan is amended to show sewer service provided via a new pump station (labeled as "D" on Exhibit "A") designed in accordance with Town standards to serve the entire basin at an estimated cost of \$350,500, with the developer's being responsible for any cost above the estimate; that the Town will provide \$162,300 in infrastructure reimbursement credits for sewer; and that the developer will not be required to pay the \$15,000 annual fee for operations and maintenance.

**Motion By:** VanFossen

**Second By:** Womble

**Vote:** Unanimous

*A copy of Exhibit A is incorporated into these minutes as an addendum page.*

**9. 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. None.

**10. Other Business:** Councilman DeBenedetto recognized the article in the Triangle Community that highlighted Holly Springs being the first town to adopt an ordinance addressing development agreements.

**11. Manager's Report:** Mr. Dean reminded the Council Members that Monday was the Economic Develop Golf tournament. He said the North Carolina Amateur Sports has chosen Holly Springs for their bike tour. On October 4<sup>th</sup> at Womble Park the bikers will be spending the night and there will be food vendors and entertainment.

**12. Closed Session:** The Council approved a motion to enter into Closed Session, pursuant to G.S. 143-318.11(a)(3) to discuss with the town attorney particulars involving a matter of condemnation of property for right of way easement on Avent Ferry Road; and pursuant to G.S. 143-318.11(a)(4) and to discuss a matter of economic development incentives for a potential industry.

**Motion By:** Atwell

**Second By:** Dickson

**Vote:** Unanimous

**General Account of Closed Session – March 21, 2006**

In Closed Session, the town attorney requested for direction from the Council on negotiations of condemning Mike Carroll's property for right of way located on Avent Ferry Road. The Council Members gave direction to the town attorney for condemnation of right of way easement along Avent Ferry Road.

Also, in Closed Session, the Council Members were updated on potential economic development prospects for property in the business park and for the landfill property. The Council gave direction to staff for an economic incentive package to offer to the prospect.

**-- End General Account**

The Council approved a motion to return to Open Session. The motion was made by Councilman Atwell, seconded by Councilman VanFossen and carried unanimously.

**12. Adjournment:** There being no further business for the evening, the March 21, 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, April 18, 2006.

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Linda R. Harper, CMC, Deputy Town Clerk

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