



June 3, 2014

## MINUTES

The Holly Springs Town Council met in regular session on Tuesday, June 3, 2014 in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Sears presided, calling the meeting to order at 7 p.m. A quorum was established as the mayor and all five council members were present as the meeting opened.

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

**Council Members Absent:** None.

**Staff Members Present:** John Schifano, town attorney; Daniel Weeks, senior project manager; Adam Huffman, assistant parks and recreation director; Len Bradley, parks and recreation director; Gina Clapp, planning and zoning director; Laura Holloman, planner; Stephanie Sudano, director of engineering; Kendra Parrish, senior engineer; Heather Keefer, environmental specialist; Mary Hogan, finance director; Jenny Mizelle, economic development director; John Herring, police chief; Leroy Smith, fire chief; Seann Byrd, public utilities director; Tamara Ward, communications specialist; Mark Andrews, public information officer; Jeff Wilson, information technology director; and Brian Cammack, fire captain.

**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 June 3, 2014 meeting agenda was adopted with changes, if any, as listed below.

**Motion by:** Sack

**Second by:** Cobb

**Vote:** Unanimous

**Items added to Consent Agenda:** None.

**Items added to Agenda:** None.

**Items removed from Consent 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:

George Smith, 229 Stonehedge Ct.: Mr. Smith congratulated the Town on deciding to switch to larger recycling carts. He encouraged the Town to add stickers to the carts as a way to inform residents of what materials can be recycled. He left a photograph of a sample sticker with the mayor.

Joe Fanjoy and daughter, Allison, 109 Fairground Rd.: Mr. Fanjoy congratulated the council on its decision to fund the Grigsby sidewalk. He said the sidewalk would provide a safety improvement. He also thanked them for the greenway from Womble to Bass Lake and encouraged the Town to keep moving forward with improvements in that area of town. Allison asked the council to repave Grigsby Road as, with the opening of Sugg Farm and construction of a new neighborhood, more people and cars will be using the road. Mr. Fanjoy echoed his daughter's concern, encouraging repaving on a road he said was narrow with perennial potholes.

Kevin Little 204 Magnolia Meadow Way: Mr. Little mentioned that a recent newspaper article mentioned the council was not funding a facilities maintenance position. He mentioned that facilities are not only what the public sees, but unmaintained facilities can create a public safety concern, too. He said the position might also save money by saving higher-paid Town employees from maintaining facilities.

**6a. Stormwater Management Fee** – Ms. Parrish addressed the Council on an ordinance that would establish the Town’s Stormwater Management Enterprise Fund. She said the Town’s Stormwater Management Program is an unfunded mandate of the federal government. Through this mandate, the Town is required to safeguard the water quality of creeks and streams, including Bass Lake, Sunset Lake and Harris Lake for current and future generations by ensuring that the rainwater that flows from all properties remains clean and free of contamination. To meet federal and state orders on water quality, the Town must reduce run-off pollution from development and educate citizens about stormwater and its impacts on water quality, she said.

Since 2005, the Town has operated the Stormwater Management Program, paying for the costs of the program with reserve funds. Now that the program has matured and its costs are known, the Town is proposing a new fee that would cover a portion of the existing program’s expenses. If approved, this monthly fee would be charged beginning in August to those who own or lease improved property in Holly Springs.

This proposed ordinance would establish the Stormwater Program Management Enterprise Fund and outlines the administrative framework to control, collect and disburse funds.

Various forms of public outreach have been created to inform property owners and customers of the proposed fee, Ms. Parrish said. She added that:

- Notification letters were sent out to non-residential property owners and customers May 21;
- Public information sessions for both non-residential and residential property owners and customers were held May 29;
- We created a Stormwater Program Management Fee Website;
- We created a Stormwater Program Management Fee Frequently Asked Questions document;
- A press release on the informational meetings was published on the Web site and linked to a Facebook post that was pushed to 9,876 viewers;
- A postcard was created and was distributed via Facebook;
- The press release and community calendar post on the Town’s Website was forwarded to nearly 1,100 subscribers.

All written comments received by staff at the public information meetings were shared with the Town Council.

Among the issues that arose during the public information meetings that were attended by a handful of property owners was a question as to whether those on limited incomes could earn a credit or waiver of the regulations and fee. Staff believes that if the council directs it, a program could be devised.

With that explanation completed, Mayor Sears opened the public hearing.

There being no comments, the public hearing was closed.

Ms. Parrish noted the fee was service-based.

Councilman Sack noted the amount of money the Town has been spending on this unfunded federal mandate since 2005. “This is the program that helps protect the stormwater runoff that goes into Harris Lake, Sunset Lake, Bass Lake and protects our drinking water,” he said.

“I think the (cost) we’ll be able to save will be able to help in other parts of our budget,” Councilwoman Williams said.

Mayor Sears said he appreciated the notes detailing concerns from Town residents and businesses.

**Action:** The Council approved a motion to adopt ordinance 14-02 amending Chapter 8, Articles VII and VIII of the Holly Springs Town Code to establish a Stormwater Management Program Enterprise Fund.

**Motion by:** Williams

**Second by:** Cobb

**Vote:** Unanimous.

*A copy of Ordinance 14-02 is attached to these minutes.*

**6b. FY 2014-15 Budget –** Mr. Weeks said Council members received their copies of the manager’s proposed FY 2014-15 budget for the Town and discussed the proposal thoroughly at a May 19 budget workshop.

At the workshop, Council discussed revenues and expenditures and made no major changes to the budget proposal. Mr. Weeks reviewed the manager’s annual budget message providing highlights of the proposed budget with the Town Council.

Budget highlights were included in the manager’s budget message, which is below:

**“Fiscal Year 2014-2015 Budget Message**

*Holly Springs continues to be a great place to live as the Town maintains positive growth that enhances the Town’s ability to improve services provided to citizens and to invest in the Town’s future through transportation projects, water and sewer infrastructure and parks and recreation facilities.*

*To ensure that the Town’s growth is managed in a sensible, strategic and sustainable way, the management team and staff constantly evaluate development to ensure there exists a healthy balance of necessary and innovative growth and adequate protection of quality of life and Town character. As Holly Springs continues to develop, a clear vision should be maintained with this balance in mind. This vision should include managed growth that enriches the quality of life objectives of the Town; economic development in keeping with our community; investment in the Town’s future through careful planning, funding and scheduling of capital projects; beneficial partnerships to provide opportunities and funding for improvements; and innovation in developing the Town’s identity and promoting the highest standards for our citizens.*

*We have identified priorities in how we would achieve both the goals of the organization and the service needs of our citizens. While our finances have remained consistent over the last year -- especially in relation to other communities -- we still felt it important to budget conservatively. We limited the number of new positions requested; identified areas that we felt we could have an additional revenue stream; and have restricted spending for the remainder of the year as we do every year. This budget has been developed to meet all the various needs of both our organization and our community, but one which I feel will provide us flexibility in the future.*

*The proposed budget is designed to keep the Town on a course to meet these objectives during the next year. Highlights of FY 2014-2015 budget are as follows:*

**Revenues – General Fund**

- A. Ad Valorem Taxes: *Figures are based on a 99% collection rate with an approximate tax base of \$3,701,480,000 keeping the existing tax rate at \$0.435 per \$100 valuation.*
- B. State Revenues: *The state-shared revenues are estimated based primarily on previous years’ collections. The legislature still is in session, and the state is considering options that could adjust various state-shared revenues, as well as our authority to levy privilege licenses. So we will continue to monitor the state’s progress on the revenue impact for the Town.*
- C. Solid Waste Fees: *There is no increase in monthly garbage collection fees, recycling fees or yard waste fees. The monthly fee will remain \$9.50, \$4.25 and \$2.00 respectively.*
- D. Fund Balance: *We have not appropriated any funds from Fund Balance.*

E. Other Source Financing: No additional financing is being proposed within the General Fund.

**Revenues – Utility Fund**

- A. Water & Sewer Rates: There is no increase to the water and sewer monthly access or to the existing water and sewer rate in the proposed FY 2014-2015 budget.
- B. Fund Balance: We have not appropriated any funds from Fund Balance.
- C. Other Source Financing: No additional financing is being proposed within the Utility Fund.

**Revenues – Stormwater Fund**

- A. Stormwater Rates: This is a new enterprise fund and fees related to management and implementation of the unfunded federally mandated stormwater management program in the proposed FY 2014-2015 budget.

**Expenditures – General Fund**

- A. All capital items have been appropriated, and a list has been provided of each department's requests for your review in the Capital Outlay section of this proposed budget.
- A. Four (4) new positions are proposed in the General Fund: A Building Code Inspector, a Planning Technician, a Parks Maintenance Technician and a Public Works Technician. Other Reclassifications and position changes can be found in the Salaries & Positions List section of this proposed budget.
- B. This budget includes contributions to nonprofit organizations of \$20,000 to be designated as the Council so desires, a \$10,000 membership renewal to the Holly Springs Chamber of Commerce, totaling \$30,000.
- C. All debt service requirements have been appropriated in this budget to meet our debt obligations. The statement of debt is included for your review.

**Expenses – Utility Fund**

- A. All capital items have been appropriated and a list of each department's request is provided for your review.
- B. One (1) new position has been proposed in the Utility Fund: A Customer Service Representative. Other reclassifications and position changes can be found in the Salary & Positions List section of this proposed budget.
- C. All debt service requirements have been obligated in the FY 2014-2015 budget. A statement of debt is included for your review. Over the last seven (7) years, we have been placing funds in reserve to cover the cost of the Harnett County Water Plant Capacity debt, and for that reason we are using \$1.005 million for the debt payment next year. This was planned when we considered expanding the water capacity to allow the Town to grow into these costs in the future.

**Expenses – Stormwater Fund**

- A. Salaries for four existing positions are being transferred from the Utility Fund to the new proposed Stormwater Fund. Other expenses include contract services.

**Other Highlights**

*The salary requirement for next year includes a market adjustment for full-time employees of 1.5%. Funding is provided in each department for merit/performance pay in the amount of 3% of salaries. The salary budget also includes a 5% 401(k) contribution and longevity benefits and a State-mandated Retirement of 7.07%. A review of Town Council pay suggests that a market adjustment of 10% is appropriate. While this review was done in house, it is consistent with similar analysis that have been conducted reviewing full-time employees salary compensation in years past.*

*Employee health insurance has been budgeted with a 4.4% increase in the rates for next year. This increase is due to several large claims from the previous year. One aspect of our insurance policy which has saved us money is due to a reduction in the use of the emergency room, resulting from better educating our employees.*

*With the current economic environment, our goal is to create a budget that will maintain and improve services to citizens while still controlling the costs for these services. I feel the Town of Holly Springs has a solid and conservative budget for next year.*

*As part of the budget process it is important to have new development absorb additional expenses for infrastructure rather than passing cost on to existing citizens. We have used a portion of water capacity fees in order to maintain the current debt obligations and operations within the utility fund. The remaining water and all sewer capacity and acreage fees continue to be removed from the operating budget to go directly into reserve accounts.*

*The proposed Stormwater Enterprise Fund significantly reduces the Town's reliance on development fees to cover these operating expenses, by removing much of the costs associated with administering this federally unfunded mandate. It is important that the Town gradually reduce its dependence on impact fees and charges for operating expenses, and we will continue to attempt to reduce these charges in future budgets to eliminate potential financial problems within the operating budget.*

*I have included with your budget the departmental worksheets we used in developing this budget proposal. I hope this will provide you with a better overview of the process and issues discussed during the budget-balancing procedure.*

*As we proceed into the next several years, we will continue to evaluate projects and personnel needs as they relate to the provision of services. We have several substantial projects (water, sewer, sidewalks & greenways, park improvements) which will be initiated during this fiscal year; therefore, it will be important to prioritize programming needs with future budgets. We will continue to work with Council, staff, and citizens to establish our goals and objectives as the Town grows to provide the level of services expected.*

*Town staff has been instrumental in the development of this document, and I feel they have done a good job of controlling costs while providing service levels expected by the Town Council and our citizens. This budget is my best estimate of what we should expect next year, and I feel it represents a fair assessment of our anticipated revenues and expenditures.*

*This budget reflects my recommendations based on department meetings, evaluation of existing service needs, and input from Town Council. I would like to say a special thanks to our department heads for their time and effort in the preparation of this document. Without their help, this budget could not have developed to address both present and future service needs.*

*While I felt it was important to provide you with a balanced budget at this time, we are still working out some issues which could potentially change these numbers. I anticipate these issues to be addressed at the budget work session.*

*The FY 2014-2015 Budget represents a level of funding that will allow the Town to maintain and improve current service levels while making organizational changes to provide the best possible programs for our citizens. It is important to note that with any budget external forces can affect these projections, and it is for that reason that the figures proposed in the FY 2014-2015 Budget are a very conservative forecast of our revenues and expenditures for the next year. Overall, the General Fund budget has increased by 3.2% or \$880,315 from the current budget. The Utility Fund has decreased by 2.5% or \$271,030 from the current budget."*

Councilwoman Williams asked for clarification on the non-profit contributions line item regarding the Holly Springs Chamber of Commerce.

Mayor Sears noted Holly Springs had been named the second safest town in the state.

Mayor Sears opened the public hearing, and the following comment was recorded.

Darlene Harper Bowden, 517 W. Holly Springs Road – Ms. Bowden asked how much the Town could save if public safety personnel drove personal vehicles to work and said she'd seen a police vehicle at a residence in Lillington.

Mayor Sears and Chief Herring noted the current practice of allowing public safety employees to drive Town vehicles home provides a significant cost savings.

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

**Action:** The Council approved a motion to adopt ordinance 14-03 establishing the FY 2014 -15 operating budget for the Town of Holly Springs.

**Motion by:** Sack

**Second by:** Cobb

**Vote:** Unanimous.

*A copy of Ordinance 14-03 is attached to these minutes.*

**Action:** The Council approved a motion to adopt ordinance 14-04 setting the FY 2014-15 water and sewer rates.

**Motion by:** Cobb

**Second by:** Dickson

**Vote:** Unanimous.

*A copy of Ordinance 14-04 is attached to these minutes.*

**7. 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:

**7a. Minutes** – The Council approved minutes of the Council's regular meeting held May 20, 2014.

**7b. Tax Collection Order** – The Council adopted Council Order 2014-01 directing Wake County to levy and collect property taxes and car decal fees for the Town of Holly Springs. *A copy of the order is attached to these minutes.*

**7c. Annexation A13-03** -- The Council adopted Resolution 14-11 directing the town clerk to investigate the sufficiency of annexation petition A14-03 and setting a public hearing on the question of annexation for Tuesday, June 17, 2014. *A copy of the resolution is attached to these minutes.*

**7d. Fiberoptic Fiber Optic Lease Rates** – The Council approved to include dark fiber lease rates in the Town's fee schedule. The Town of Holly Springs' municipal fiber optic network was designed and built as a municipal network to connect municipal buildings, other government facilities, and eligible not-for-profit entities. The network currently has dark fiber capacity that is available to private for-profit and not-for-profit entities. Dark fiber lease rates need to be set prior to making available the spare capacity.

**7e. Resolution 14-12** – The Council adopted Resolution 14-12 declaring a 2003 Dodge Durango, VIN# 1D4HS3803F603825, surplus to the needs of the town. *A copy of the resolution is attached to these minutes.*

**8a. Pecan Grove Greenway Infrastructure Reimbursement Agreement** - Mr. Bradley explained that the developer of Pecan Grove Phase 2, which is a 174-unit apartment complex, would be willing to construct a public greenway from the development to tie into the new Bass Lake Greenway in exchange for payment of the Parks and Recreation fees due. The proposed fees are estimated to be \$131,196, and the engineer's estimate for construction of the greenway is \$135,935; therefore, in accepting the construction in satisfaction of the fees, the Town is realizing a slight advantage, Mr. Bradley said. The greenway will almost reach the jurisdictional line of Fuquay-

Varina, he said. He mentioned other tie-ins to the greenway near Sugg Farm include trails into Main Street Square and Somerset Farm.

In discussion, Councilwoman Lee asked if the materials would match the Town's existing greenway and if a higher estimate than the developer expected for construction of the greenway would cause problems. Mr. Bradley said the materials would match and said he did not anticipate a problem with the estimate as he believed the developer realized the value of the greenway to the marketability of the project.

**Action:** The Council approved a motion to approve terms of an infrastructure reimbursement agreement with the developer of Pecan Grove Phase 2 for construction of a greenway in exchange for payment of Parks and Recreation fees due on the project.

**Motion by:** Cobb

**Second by:** Sack

**Vote:** Unanimous.

**8b. Holly Springs Town Center Phase 2 --** Ms. Holloman said the Town has received the complete theater elevations that were not provided during the initial Holly Springs Town Center Phase 2 review and approval.

She said the elevations show that the 63,815 square foot movie theater/bowling alley will be comprised of the same tilt-up concrete panels and brick, EIFS, CMU, veneers and color palette as the rest of the approved buildings in Phase 2. That, she added, will match the architectural design and theme of Phase 1.

Due to the size and scale of the building, several requests for alternate means of architectural compliance have been requested for the project, Ms. Holloman said. While specific architectural requirements are not being met, staff has worked with the architect to create a building that meets the intent of the Unified Development Ordinance. The requests for alternate compliance help to create a unique building form using distinctive color combinations as well as alternative faux panel requirements and details throughout the building's design, she said.

Ms. Holloman said the planning board had reviewed the elevations and had no issues or comments with the theater/bowling facility elevations. She said the planning board recommended approval with conditions.

In discussion, Councilwoman Williams asked about the glass in the building. Ms. Moore with AW Architects detailed the layout of the facility. Mr. Sears said children at schools applaud the theater and give a standing ovation to the bowling alley. Councilwoman Lee said the plans looked beautiful and similar facilities were well maintained.

Ms. Holloman noted for the Council that 15 separate motions were being requested to accommodate all the UDO waivers and approval of the development plan amendment.

#### **WAIVER OF REGULATIONS OF UDO – Increase the Number of Allowed Colors**

A petition for a waiver of regulations of UDO Section 3.08, A, 1. c (2)(e) relief of color requirement may only be granted upon the presentation of sufficient evidence to enable a written determination that:

1. The proposed development represents the use of (*building materials*, colors, textures, *building architecture*, roof features, *façade modulation*, *building orientation*, *signs*, landscaping, lighting or *open space*) which will result in a development pattern which is equivalent to or superior to that achievable under the applicable regulations;
2. The proposed development will be compatible with and will enhance the *use* or value of area properties;
3. The proposed development is consistent with the intent of the *Comprehensive Plan*; and,
4. The proposed development is consistent with the intent and purpose of this UDO.

**Motion 1:** The Council approved a motion to make and accept the findings of fact as recorded in the minutes above for a waiver of regulations of UDO Section 3.08, A, 1. c (2)(e) Architectural and Site Design Requirements to allow for alternate means of compliance for the color requirement in association with Development Petition #13-DP-08-A01 Holly Springs Towne Center

Phase 2 Amendment.

**Motion by:** Williams

**Second by:** Cobb

**Vote:** Unanimous.

**Motion 2:** Having made findings of fact that the petition meets the requirements, the Council approved motion to grant a waiver of regulations of UDO Section 3.08, A, 1. c (2)(e) Architectural and Site Design Requirements to allow for alternate means of compliance for the color requirement in association with Development Petition #13-DP-08-A01 Holly Springs Towne Center Phase 2 Amendment.

**Motion by:** Sack

**Second by:** Cobb

**Vote:** Unanimous.

### **WAIVER OF REGULATIONS OF UDO – Modify Building Cap Requirements**

A petition for a waiver of regulations of UDO Section 3.08, A, 1. c (2)(a)(iii) relief of cap requirement may only be granted upon the presentation of sufficient evidence to enable a written determination that:

1. The proposed development represents the use of (*building materials*, colors, textures, *building architecture*, roof features, façade modulation, *building orientation*, *signs*, landscaping, lighting or *open space*) which will result in a development pattern which is equivalent to or superior to that achievable under the applicable regulations;
2. The proposed development will be compatible with and will enhance the *use* or value of area properties;
3. The proposed development is consistent with the intent of the *Comprehensive Plan*; and,
4. The proposed development is consistent with the intent and purpose of this UDO.

**Motion 3:** The Council approved a motion to make and accept the findings of fact as recorded in the minutes above for a waiver of regulations of UDO Section 3.08, A, 1. c (2)(a)(iii) Architectural and Site Design Requirements to allow for alternate means of compliance for the cap requirement in association with Development Petition #13-DP-08-A01 Holly Springs Towne Center Phase 2 Amendment.

**Motion by:** Dickson

**Second by:** Cobb

**Vote:** Unanimous.

**Motion 4:** Having made findings of fact that the petition meets the requirements, the Council approved motion to grant a waiver of regulations of UDO Section 3.08, A, 1. c (2)(a)(iii) Architectural and Site Design Requirements to allow for alternate means of compliance for the cap requirement in association with Development Petition #13-DP-08-A01 Holly Springs Towne Center Phase 2 Amendment.

**Motion by:** Lee

**Second by:** Cobb

**Vote:** Unanimous.

### **WAIVER OF REGULATIONS OF UDO – Modify Building Materials Requirements**

A petition for a waiver of regulations of UDO Section 3.08, A, 1. c. (1) (a) alternate means of compliance for the building materials may only be granted upon the presentation of sufficient evidence to enable a written determination that:

1. The proposed development represents the use of (*building materials*, colors, textures, *building architecture*, roof features, façade modulation, *building orientation*, *signs*, landscaping, lighting or *open space*) which will result in a development pattern which is equivalent to or superior to that achievable under the applicable regulations;



2. The proposed development will be compatible with and will enhance the *use* or value of area properties;
3. The proposed development is consistent with the intent of the *Comprehensive Plan*; and,
4. The proposed development is consistent with the intent and purpose of this UDO.

**Motion 5:** The Council approved a motion to make and accept the findings of fact as recorded in the minutes above for a waiver of regulations of UDO Section 3.08, A, 1. c. (1) (a) Architectural and Site Design Requirements to allow for alternate means of compliance for the building materials in association with Development Petition #13-DP-08-A01 Holly Springs Towne Center Phase 2 Amendment.

**Motion by:** Cobb

**Second by:** Dickson

**Vote:** Unanimous.

**Motion 6:** Having made findings of fact that the petition meets the requirements, the Council approved motion to grant a waiver of regulations of UDO Section 3.08, A, 1. c. (1) (a) Architectural and Site Design Requirements to allow for alternate means of compliance for the building materials in association with Development Petition #13-DP-08-A01 Holly Springs Towne Center Phase 2 Amendment.

**Motion by:** Williams

**Second by:** Cobb

**Vote:** Unanimous.

#### **WAIVER OF REGULATIONS OF UDO – Modify Building Base Requirements**

A petition for a waiver of regulations of UDO Section 3.08, A, 1. c (2)(a)(ii) alternate means of compliance for the base requirement may only be granted upon the presentation of sufficient evidence to enable a written determination that:

1. The proposed development represents the use of (*building materials*, colors, textures, *building architecture*, roof features, façade modulation, *building orientation*, *signs*, landscaping, lighting or *open space*) which will result in a development pattern which is equivalent to or superior to that achievable under the applicable regulations;
2. The proposed development will be compatible with and will enhance the *use* or value of area properties;
3. The proposed development is consistent with the intent of the *Comprehensive Plan*; and,
4. The proposed development is consistent with the intent and purpose of this UDO.

**Motion 7:** The Council approved a motion to make and accept the findings of fact as recorded in the minutes above for a waiver of regulations of UDO Section 3.08, A, 1. c (2)(a)(ii) Architectural and Site Design Requirements to allow for alternate means of compliance for the base requirement in association with Development Petition #13-DP-08-A01 Holly Springs Towne Center Phase 2 Amendment.

**Motion by:** Sack

**Second by:** Cobb

**Vote:** Unanimous.

**Motion 8:** Having made findings of fact that the petition meets the requirements, the Council approved motion to grant a waiver of regulations of UDO Section 3.08, A, 1. c (2)(a)(ii) Architectural and Site Design Requirements to allow for alternate means of compliance for the base requirement in association with Development Petition #13-DP-08-A01 Holly Springs Towne Center Phase 2 Amendment.

**Motion by:** Dickson

**Second by:** Sack

**Vote:** Unanimous.

## **WAIVER OF REGULATIONS OF UDO – Modify Building Massing Requirements**

A petition for a waiver of regulations of UDO Section 3.08, A, 1. c (2)(b)(i) alternate means of compliance for the building massing requirement may only be granted upon the presentation of sufficient evidence to enable a written determination that:

1. The proposed development represents the use of (*building materials*, colors, textures, *building* architecture, roof features, façade modulation, *building* orientation, *signs*, landscaping, lighting or *open space*) which will result in a development pattern which is equivalent to or superior to that achievable under the applicable regulations;
2. The proposed development will be compatible with and will enhance the *use* or value of area properties;
3. The proposed development is consistent with the intent of the *Comprehensive Plan*; and,
4. The proposed development is consistent with the intent and purpose of this UDO.

**Motion 9:** The Council approved a motion to make and accept the findings of fact as recorded in the minutes above for a waiver of regulations of UDO Section 3.08, A, 1. c (2)(b)(i) Architectural and Site Design Requirements to allow for alternate means of compliance for the building massing requirement in association with Development Petition #13-DP-08-A01 Holly Springs Towne Center Phase 2 Amendment.

**Motion by:** Lee

**Second by:** Cobb

**Vote:** Unanimous.

**Motion 10:** Having made findings of fact that the petition meets the requirements, the Council approved motion to grant a waiver of regulations of UDO Section 3.08, A, 1. c (2)(b)(i) Architectural and Site Design Requirements to allow for alternate means of compliance for the building massing requirement in association with Development Petition #13-DP-08-A01 Holly Springs Towne Center Phase 2 Amendment.

**Motion by:** Cobb

**Second by:** Sack

**Vote:** Unanimous.

## **WAIVER OF REGULATIONS OF UDO – Modify Building Glazing Requirements**

A petition for a waiver of regulations of UDO Section 3.08, A, 1. c. (1) (c) (ii) 2. alternate means of compliance for the glazing requirement may only be granted upon the presentation of sufficient evidence to enable a written determination that:

1. The proposed development represents the use of (*building materials*, colors, textures, *building* architecture, roof features, façade modulation, *building* orientation, *signs*, landscaping, lighting or *open space*) which will result in a development pattern which is equivalent to or superior to that achievable under the applicable regulations;
2. The proposed development will be compatible with and will enhance the *use* or value of area properties;
3. The proposed development is consistent with the intent of the *Comprehensive Plan*; and,
4. The proposed development is consistent with the intent and purpose of this UDO.

**Motion 11:** The Council approved a motion to make and accept the findings of fact as recorded in the minutes above for a waiver of regulations of UDO Section 3.08, A, 1. c. (1) (c) (ii) 2. Architectural and Site Design Requirements to allow for alternate means of compliance for the glazing requirement in association with Development Petition #13-DP-08-A01 Holly Springs Towne Center Phase 2 Amendment.

**Motion by:** Williams

**Second by:** Cobb

**Vote:** Unanimous.

**Motion 12:** Having made findings of fact that the petition meets the requirements, the Council approved motion to grant a waiver of regulations of UDO Section 3.08, A, 1. c. (1) (c) (ii) 2. Architectural and Site Design Requirements to allow for alternate means of compliance for the glazing requirement in association with Development Petition #13-DP-08-A01 Holly Springs Towne Center Phase 2 Amendment.

**Motion by:** Sack  
**Second by:** Cobb  
**Vote:** Unanimous.

#### **WAIVER OF REGULATIONS OF UDO – Modify Roof Treatment Requirements**

A petition for a waiver of regulations of UDO Section 3.08, A, 1. c. (1) (g) (i) alternate means of compliance for the roof treatment requirement may only be granted upon the presentation of sufficient evidence to enable a written determination that:

1. The proposed development represents the use of (*building materials*, colors, textures, *building architecture*, roof features, façade modulation, *building orientation*, *signs*, landscaping, lighting or *open space*) which will result in a development pattern which is equivalent to or superior to that achievable under the applicable regulations;
2. The proposed development will be compatible with and will enhance the *use* or value of area properties;
3. The proposed development is consistent with the intent of the *Comprehensive Plan*; and,
4. The proposed development is consistent with the intent and purpose of this UDO.

**Motion 13:** The Council approved a motion to make and accept the findings of fact as recorded in the minutes above for a waiver of regulations of UDO Section 3.08, A, 1. c. (1) (g) (i) Architectural and Site Design Requirements to allow for alternate means of compliance for the roof treatment requirement in association with Development Petition #13-DP-08-A01 Holly Springs Towne Center Phase 2 Amendment.

**Motion by:** Dickson  
**Second by:** Sack  
**Vote:** Unanimous.

**Motion 14:** Having made findings of fact that the petition meets the requirements, the Council approved motion to grant a waiver of regulations of UDO Section 3.08, A, 1. c. (1) (g) (i) Architectural and Site Design Requirements to allow for alternate means of compliance for the roof treatment requirement in association with Development Petition #13-DP-08-A01 Holly Springs Towne Center Phase 2 Amendment.

**Motion by:** Lee  
**Second by:** Cobb  
**Vote:** Unanimous.

#### **DEVELOPMENT PLAN ACTION:**

**Motion 15:** The Council approved a motion to approve Development Plan #13-DP-08-A01 for Holly Springs Town Center Phase 2 Amendment as submitted by ADW Architects dated Revised 3/27/14 with the following conditions:

1. All previously-approved conditions shall apply to this amendment.

**Motion by:** Cobb  
**Second by:** Sack  
**Vote:** Unanimous.

**9. Other Business:** Mayor Sears stressed crosswalk safety and reported he'd received less complaints about crosswalk violations recently. Councilwoman Lee forwarded information on a special crosswalk light for consideration at the Avent Ferry and Cass Holt intersection. Both

mentioned Mayor's Youth Advisory Board members in attendance at the meeting, and Councilwoman Lee mentioned the group's mission, which focuses on youth contributing to and being a part of the community.

Councilman Sack noted the upcoming Taste of Holly Springs at the Holly Springs Farmers Market. Ms. Clapp noted the event is sponsored by the Chamber of Commerce, which organized more vendors for the event than ever this year.

Councilwoman Williams asked about replacing the fallen tree near the sidewalk on Holly Springs Road close to where the Law Enforcement Center will be constructed. Ms. Sudano said staff would check with the NCDOT.

Councilman Dickson noted an event at the Bass Lake Draft House on the day Carlos Rodon, who attended school in Holly Springs, will likely be drafted to play major league baseball. A portion of proceeds will go to Meg's Smile Foundation.

Councilman Cobb asked about cleaning up piles of debris from trimming trees near power lines along Holly Springs Road. Mr. Schifano said the Town staff would check with Duke Energy.

Councilwoman Lee thanked Town law enforcement involved in the recent Ironman event.

**10. Manager's Report:** Mr. Weeks reported on a number of key dates and programs. Chamber bus tour

**11. Closed Session:** The Council approved a motion to enter Closed Session, pursuant to North Carolina General Statute 143-318.11(a)(5) to discuss the acquisition of real property in the Main Street Extension project.

**Motion by:** Sack

**Second by:** Cobb

**Vote:** Unanimous

***General Account of Closed Session – June 6, 2014.***

In general, Council received a report of right of way negotiations for the Main Street Extension project from Mr. Schifano. The Council provided negotiation parameters in the matter of Brayton Park and directed the town attorney as to how to proceed and then approved a motion to return to open session.

***-- End of General Account***

**12. Adjournment:** There being no further business for the evening, the June 3, 2014 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, June 20, 2014.

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notes follow and are a part of the official record.

