



Aug. 19, 2014

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Aug. 19, 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, Councilmen James Cobb, Tim Sack and Hank Dickson and Councilwomen Linda Hunt-Williams and Cheri Lee.

Council Members Absent: None.

Staff Members Present: Charles Simmons, Town Manager; John Schifano, town attorney; Joni Powell, town clerk, (recording the minutes); Linda Harper, deputy town clerk; Daniel Weeks, senior project manager; Jeff Wilson, information technology director; Len Bradley, parks and recreation director; Adam Huffman, assistant parks and recreation director; Mary Hogan, finance director; Gina Clapp, planning and zoning director; Laura Holloman, planner; Leroy Smith, fire chief; Elizabeth Goodson, development review engineer; Stephanie Sudano, engineering director; Kendra Parrish, senior engineer; Aaron Levitt, project engineer; John Herring, police chief; Tamara Ward, communications specialist and Mark Andrews, public information officer.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rabbi Edery of Temple Beth Shalom.

4. Agenda Adjustment: The Aug. 19, 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: Presentation of a proclamation designating the month of September as Alzheimer Disease Awareness Month and Item 9f., consideration of bids for sports lighting at North Main Athletic Complex.

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:

Andrea Ackerman, 304 Sunset Grove Drive – Ms. Ackerman addressed the Council on the subject of street trees. She asked the Council to assist her in coming up with a positive solution to the problem of dying trees along the streets in Sunset Ridge North.

Peggy Adock, 317 Sunset Grove Drive – Ms. Adcock said she was disappointed that street trees that have been cut down were just cut at the base, and stumps were left. She added that some were cut down and some dying trees were left.

She made several allegations of misinformation, bad workmanship and bad attitude from staff.

She said her point is that the street trees are not owned by property owners and someone should remove the damaged ones and replace them with new ones, but not the homeowners because the trees do not appear to be owned by anyone.

Kristen Scott, Flintpoint Lane – As a member of the Sunset Ridge HOA board, Ms. Scott said the covenants for Sunset Ridge North state that property owners are to maintain street trees on their property but the damaged trees, she said, are not on homeowners' properties. She said she needed help because the HOA cannot enforce its covenants or the town's policy on street trees since the trees are not owned by anyone.

At this time, Mayor Sears presented a proclamation designating the month of September as Alzheimer Disease Awareness Month in Holly Springs. He said Alzheimer disease is an irreversible and progressive brain disease that affects millions of Americans, including senior citizens as well as younger Americans with early-onset Alzheimer's disease, by slowly eroding precious memories, thinking skills and the ability to perform simple tasks.

Mayor Sears said as we offer our support to Americans with Alzheimer disease, we also recognize those who care and provide for them, sharing their loved ones' emotional, physical, and financial strains, and this month, we honor their compassion, remember those we have lost, and press toward the next great scientific breakthrough.

Local residents Cary Ludwig and Charlie Bernard accepted the proclamation and talked about a Sept. 17 Devil's Ridge Charity Golf Tournament to benefit Alzheimer Disease research.

Action: None.

6a. Public Hearing: Special Exception Use petition 14-SEU-04 – Ms. Holloman said the Town has received a request for a retail beer establishment specializing in the sale of unique craft beers intended for off-site consumption. However, because there will be an opportunity for patrons to sample the beer, it would be classified as a "tavern" use according to the Unified Development Ordinance (UDO) and required to obtain approval of a special exception use.

She said this proposed business would be approximately 1,300 square feet and would be located within the existing retail storefront of the Village Centre Shoppes (the center where Little Caesar's is located.) All business operations would be conducted within the building.

With that explanation completed, Mayor Sears opened the public hearing. The following testimony and evidence was offered by those who had been administered the oath by the deputy town clerk:

Justin and Jessica Libecap, 100 Grassy Valley Road – Mr. Libecap addressed the Council to explain his plans for Tapline Growlers.

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

Action 1: The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for Special Exception Use Petition #14-SEU-04 to allow for a tavern in the LB: Local Business District for Tapline Growlers at the Village Centre Shoppes as submitted by Tapline Growlers, LLC dated 6/27/14.

Special Exception Use Findings of Fact:

A special exception use may only be granted upon the presentation of sufficient evidence to enable a written determination that:

- a. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
- b. The proposed use will not injure or adversely affect the adjacent area;
- c. The proposed use will be consistent with the character of the district, land uses authorized therein, and the Town of Holly Springs Comprehensive Plan;
- d. The proposed use shall conform to all development standards of the applicable district (unless a waiver of such development standards is requested as part of the special exception use petition and approved as set forth above, in which case the proposed use shall conform to the terms and conditions of such waiver).

- e. Access drives or driveways are or will be sufficient in size and properly located to: ensure automotive and pedestrian safety and convenience, traffic flow as set forth in Section 7.09 – Pedestrian Circulation and Vehicular Area Design; and, control and access in case of fire or other emergency;
- f. Off-street parking areas, off-street loading areas, trash enclosures, trash pick-up and removal, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties and properties in the general neighborhood;
- g. The lot, building or structure proposed for the use has adequate restroom facilities, cooking facilities, safety equipment (smoke alarms, floatation devices, etc.), or any other service or equipment necessary to provide for the needs of those persons whom may work at, visit or own property nearby to the proposed use;
- h. Utilities, schools, fire, police and other necessary public and private facilities and services will be adequate to handle the needs of the proposed use;
- i. The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts; and,
- j. The type, size, and intensity of the proposed use (including but not limited to such considerations as the hours of operation and numbers of people who are likely to utilize or be attracted to the use) will not have significant adverse impacts on adjoining properties or the neighborhood.

Motion by: Dickson

Second by: Cobb

Vote: Unanimous.

A copy of Special Exception Use Petition #14-SEU-04 is attached to these minutes.

Action 2: Having made findings of fact the Council approved a motion to approve Special Exception Use Petition #14-SEU-04 to allow for a tavern in the LB: Local Business District for Tapline Growlers at the Village Centre Shoppes as submitted by Tapline Growlers, LLC dated 6/27/14 with the following condition:

1) Business operations must adhere to the evidence submitted by the applicant as stated in the findings of fact submitted in conjunction with 14-SEU-04.

Motion by: Cobb

Second by: Dickson

Vote: Unanimous.

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 Aug. 5, 2014.

7b. Town Hall Reparatons Contract– The Council approved to award contract in the amount of \$23,800 to Quality Decorators, Inc. for Town Hall reparations.

7c. Capital Area Metropolitan Planning Organization -- The Council approved Capital Area Metropolitan Planning Organization Memorandum of Understanding renewing the Town’s participation.

7d. North Main Athletic Complex Fiber Optic – The Council approved a contract change order with Com-Tran to add fiber optic connection to the North Main Athletic Complex site.

7e. Earp Street Water Line Easement - The Council approved \$5,000 to cover the acquisition of easements for water line connections and approved a related project budget. *A copy of the budget amendment is attached to these minutes.*

8a. Trespassing Ordinance 14-06 - Mr. Schifano said pursuant to direction by the town council, the purpose sections of the town code would be amended to reflect a town citation process (in lieu of a criminal charge) to be used as punishment for the act of violating the hours of operation at a park facility. A definition of "Park Facility" has been added, which is, "any public park, greenway, public recreational facility, or area dedicated to the general public for recreation." Where there has been no damage or no apparent intent to cause damage, the following punishments are in the ordinance:

- a. First offense: \$50 citation and the offender is to be banned from all Park Facilities for 30 calendar days.
- b. Second offense: \$100 citation and the offender is to be banned from all Park Facilities for 60 calendar days.
- c. Third offense: \$200 and the offender is to be banned from all Park Facilities for one year.
- d. Fourth offense: Offender shall be charged criminally if the officer has probable cause to do so.

He said if the officer has reason to believe there was intent to cause damage, the officer should charge the offender criminally with trespass.

Action: The Council approved a motion to adopt Ordinance 14-06 amending Sections 12-350 and 12-352 of the Town Code.

Motion by: Sack

Second by: Williams

A copy of Ordinance Amendment 14-06 is attached to these minutes.

9a. Mosaic on Main Design Specifications - Ms. Clapp said that on Oct. 2, 2012, the Town Council approved the development plan for the proposed Mosaic on Main project. Condition 6,a.,i. stated, "The following are required to be completed prior to issuance of a building permit for Phase 1 Building - detailed design specifications for the required focal point at the intersection of Main and Earp Streets are required to be submitted to the Department of Planning and Zoning for review and Town Council for approval in accordance with the Village District Area Plan."

Ms. Clapp said that Mr. Klausner, the project developer, has submitted a preliminary draft of what he would like for the public art feature to look like.

She said the applicant has requested that prior to having detailed design drawings completed to have the preliminary renderings presented to the Town Council for feedback and/or approval or to specify that additional renderings should be brought back for final approval.

Dan Klausner, 505 Lake Gaston Drive in Fuquay-Varina – Mr. Klausner, the developer, addressed the Council. He explained that street and property setbacks leave only about five feet for the required public art. That said, he presented an alternative to fountains or statues. An artist provided Klausner with a colorful option that appliques plexiglass and metal willow leaves to the façade of the building. He said the leaves would look one way during the day and would be lighted to look another at night. He added that he plans to embed matching glass pieces into the pavement with uplighting.

Councilman Sack said he was not inspired by the artwork rendering.

Councilman Dickson said he would prefer a less modern look and a more traditional artwork for downtown.

Councilwoman Lee said she felt the renderings were cool but she is not sure that it would be appropriate for the entrance to the village district.

Councilwoman Williams said she felt it was a beautiful design and was glad to hear that the lighting would be up-lighting and not shining out from behind the art.

In discussion, Council warmed up to the design and decided it would be a nice addition to downtown.

Action: The Council approved a motion to approve the draft design specifications for the required focal point at the intersection of Main and Earp Streets for 12-DP-05 Mosaic on Main as submitted on Aug. 11, 2014.

Motion by: Williams

Second by: Cobb
Vote: Unanimous.

9b. Bass Lake Road Replacement Bridge Easement - Mr. Schifano said the North Carolina Department of Transportation has designed a project to widen Bass Lake Road and replace the existing bridge over Basal Creek at the Bass Lake Retreat Center. Plans have been prepared and there are areas where additional rights of way (R/W) and easements are needed from the adjacent property owners. The Town of Holly Springs owns property on both sides of Bass Lake Road for the retreat center and also for the pump station on the north side of the roadway. The Engineering and Public Works Departments have reviewed the plans and concur with the design and see no problems with the project.

He said NCDOT has assured the Town that access to the pump station would not be restricted.

He reviewed the plan view that graphically shows the various easements and right of way needed from the Town for this project. The total permanent right of way that the Town would grant to the NCDOT (without compensation) is 13,489 square feet, or 0.31 acres.

Action: The Council approved a motion to authorize the town manager to execute a deed of conveyance in favor of the North Carolina Department of Transportation for right of way and easements needed for the widening of Bass Lake Road and replacement of the bridge over Basal Creek.

Motion by: Cobb
Second by: Dickson
Vote: Unanimous.

9c. Earp Street Force Main Replacement Project - Mr. Levitt said staff has worked with Diehl and Phillips to create the plan for the Earp Street force main separation project. The 12-inch force main along Earp Street is in need of replacement. The force main plan will install two new pipes down Earp Street. The two new force mains, one 20-inch and one 12-inch, will keep flow from the Sunset Lake and Bass Lake pump stations separated until they discharge into the Ballentine outfall gravity sewer line.

He said the project was examined in great detail to ensure the least amount of disturbance and fastest construction time frame. In addition to the new force mains, waterline connections are included in the plans to allow for the abandonment of an existing asbestos chloride water line and for adequate room to install the new force mains.

Due to the urgent need to begin work on the project, this item is being placed on the agenda prior to receiving bids. Bids will be received Aug. 14, 2014, and bid tabulations and a recommendation for award will be provided at the council meeting.

Action 1: The Council approved a motion to award a construction bid to Sanford Contractors in the amount of \$1,327,288.53 for the Earp Street force main and water connection project.

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

Action 2: The Council approved a motion to adopt an amendment to the FY 2014-15 budget in the amount of \$1,460,017.38 to cover cost of the contract and a contingency amount of \$132,728.85.

Motion by: Cobb
Second by: Dickson
Vote: Unanimous.

A copy of the budget amendment is attached to these minutes.

9d. Holly Springs Law Enforcement Center - Mr. Weeks said the Town held a bid opening July 15 for the construction of our new Law Enforcement Center (LEC). We received seven bids, all within a tight range of 10%, which speaks to the quality of the design plans, he said.

Mr. Weeks said the apparent low bidder is Monteith Construction Corporation headquartered in Wilmington. The Town's project architect, Stewart-Cooper-Newell, checked the references and bidding materials supplied by Monteith, and all checked out fine.

Monteith's base bid amount is \$5,556,000. Mr. Weeks said staff requested all bidders include a 5% contingency, which amounts to \$277,800 in this case. Added to the base bid is a signage allowance and six allowances for various unknowns when completing the earthwork that amount to \$123,000. The total contract amount (base bid plus contingency plus allowances) equals \$5,956,800.

Assuming Monteith is approved to construct the LEC, the plan is to provide them a notice-to-proceed on Oct. 1, 2014. The contract calls for a 365-day construction period, ending on Oct. 1, 2015.

Mr. Week said staff is recommending entering into a construction contract with Monteith Construction Corporation contingent on the Town's providing a notice to proceed.

Action #1: The Council approved a motion to enter into a construction contract with Monteith Construction Corporation in the amount of \$5,956,800, to include contingency and allowances, subject to the Town's providing a notice to proceed.

Motion by: Williams

Second by: Sack

Vote: Unanimous.

Action #2: The Council approved a motion to adopt an amendment to the FY 2014-15 budget in the amount of \$5,956,800 to use local obligation bond financing proceeds to cover the contract.

Motion by: Cobb

Second by: Sack

Vote: Unanimous.

A copy of the budget amendment is attached to these minutes.

9e. Utley Creek Dye Study - Ms. Parrish said the Town is evaluating wastewater treatment and disposal options to meet its growing demands while trying to be fiscally responsible to its customers. The Town desires to keep the effluent location in its current position for future years. To put this decision before the State, the Town must complete an environmental assessment revision. The Town and CH2MHill have met with the State, and the State is requiring a dye study to be completed before it can determine if an EA Revision is allowed.

She explained the scope of services for this work. Upon completion of this work, the water quality model that CH2MHill is working on will be able to be calibrated with this information.

Action #1: The Council approved a motion to award a contract in an amount not to exceed \$22,500 to CH2MHill to complete a dye study of Utley Creek.

Motion by: Dickson

Second by: Cobb

Vote: Unanimous.

Action #2: The Council approved a motion to adopt an amendment to the FY 2014-15 budget in the amount of \$24,750 to cover the contract maximum, including contingency.

Motion by: Williams

Second by: Cobb

Vote: Unanimous.

A copy of the budget amendment is attached to these minutes.

9f. North Main Athletic Complex Sports Lighting – Mr. Bradley said the town received bids for the installation of sports lighting at the North Main Athletic Complex. Of the bids, he said he recommended award to low bidder Musco Sports Lighting in an amount not to exceed \$855,250. He added that he would suggest providing the contractor two extra weeks to complete the work.

Action: The Council approved a motion to award a contract in an amount not to exceed \$855,250 to Musco Sports Lighting and to provide the contractor with two extra weeks in the project schedule.

Motion by: Sack

Second by: Cobb

Vote: Unanimous

10. Other Business: Mayor Sears continued his comments about crosswalk safety; he said the town would be adding two more traffic officers.

11. Manager's Report: Mr. Simmons reminded the Council about the Aug. 20 financial workshop; he also reported that on Oct. 2, there will be a Wake County Commissioners candidate forum in Holly Springs.

12. Closed Session: The Council approved a motion to enter Closed Session, pursuant to North Carolina General Statute 143-318.11(a)(5) to discuss a couple of real estate matters relating to Logans Manor and Sugg Farm at Bass Lake Park and an agreement with the developer of Mosaic on Main; and pursuant to NCGS 143-318.11(a)(3) to discuss potential litigation in the South Main Street extension project; and pursuant to NCGS 143-318.11(a)(4) to discuss a potential downtown development.

Motion by: Sack

Second by: Cobb

Vote: Unanimous

General Account of Closed Session – Aug. 19, 2014.

In general, Council received a report from the town attorney on the matters described in the motion:

- In the case of Logans Manor, the Council agreed upon a negotiated price for a piece of town-owned property that may be purchased for the project. The six acres is a piece of the Jefferson Sugg tract that was purchased by the Town but that would not be a part of the park.
- In the case of Mosaic on Main, the Council agreed to extend until Oct. 31, 2014 an expired development agreement with the developer of the property
- In the case of the Main Street Extension property acquisition, the Council gave the attorney direction as to how to proceed with outstanding property owners with whom settlements have not been possible.
- In the Main Street Square issue, Mr. Schifano explained that \$60,000 worth of improvements in the development were left undone when original owners Boyl an Development dropped the project. The new developer has posted a bond for the improvements but wants Boylan to pay. The Council discussed the question with the attorney and gave him a consensus as to how to proceed in the public's interest.
- In a case of downtown development, the Council said it would not be inclined to be favorable toward a small one-story project proposed for the corner of Ballentine and Main Streets. Council said the project might be better suited for other sites in the downtown area but not in such close proximity to the Town Hall building that is so much taller in scale. Council suggested options

and all agreed that the corner site would be well-suited to a more prominent building.

The Council then approved a motion to return to open session.

-- End of General Account

13. Adjournment: There being no further business for the evening, the Aug. 19, 2014 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, Sept. 2, 2014.

Joni Powell _____

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minutes follow and are a part of the official record.

