



**Oct. 4, 2016**

## MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Oct. 4, 2016 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, Tom O'Brien and Hank Dickson and Councilwomen Linda Hunt-Williams and Cheri Lee.

**Council Members Absent:** None.

**Staff Members Present:** Charles Simmons, town manager; Daniel Weeks, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk, (recording the minutes); Linda Harper, deputy town clerk; Jeff Wilson, information technology director; Gina Clapp, planning and zoning director; Sean Ryan, planner; Matt Beard, planner; Kendra Parrish, engineering director; Elizabeth Goodson, development review engineer; Leroy Smith, fire 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 Rev. Horace Ferguson, retired pastor of Holly Springs United Methodist Church.

**4. Agenda Adjustment:** The Oct. 4, 2016 meeting agenda was adopted with changes, if any, as listed below.

**Changes:** None.

**Motion by:** Cobb

**Second by:** Dickson

**Vote:** Unanimous

**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 comments were recorded:

Ann Franklin, Raleigh – Ms. Franklin addressed the Council to speak in support of the upcoming public transportation referendum. She said many support the referendum that promises to triple the opportunities for public transit in Wake County.

Martin Abruscato, 105 Arbor Tree Ct. – Mr. Abruscato addressed the Council to speak against HB2 and what the Town could do to prevent adverse impacts on the economy.

**6a. Community Planning Month** – Mayor Sears presented to Planning and Zoning staff a proclamation declaring October as Community Planning Month. Ms. Clapp briefed the Council on the goals, objectives and work of the town's Department of Planning and Zoning.

**Action:** None.

**6b. Historic John Norris Grave Marker** – Eagle Scout candidate Ben Edwards addressed the Council to describe his proposed Eagle Scout project and to ask permission to proceed.

Ben, a member of Boy Scout Troop 413 that meets in Holly Springs, plans to relocate a grave marker located in the right of way of Avent Ferry Road to a protected area outside of the road right of way. The marker was erected mid-century by the Daughters of the American Revolution (DAR) in memory of Revolutionary War soldier John Norris, an early Holly Springs area colonial settler. Mr. Norris is actually buried several feet off of Avent Ferry Road in a wooded area on private property, but the marker was placed on the roadside back in the day when Avent Ferry Road would never likely be widened. Now, Avent Ferry Road will very likely be widened, and the historic marker will be lost if it is not moved.

Ben explained to the Town Council what all his plans to protect the marker involve. Following, he asks that the Town Council approve a motion to give him permission to proceed. He already has gained the permission of the DAR.

**Action:** The Council approved a motion to give permission to Boy Scout Ben Edwards of Troop 413 to relocate the historical grave marker for John Norris that was erected on the side of Avent Ferry Road by the Daughters of the American Revolution.

**Motion by:** O'Brien

**Second by:** Williams

**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 Cobb, a second by Councilman Dickson and a unanimous vote. The following actions were affected:

7a. Minutes – The Council approved the minutes of the Council's regular meeting held Sept. 20, 2016.

7b. Resolution 16-33 – The Council adopted Resolution 16-33 to appoint the town finance director as the debt setoff hearing officer. *A copy of Resolution 16-33 is attached to these minutes.*

7c. Ordinance A96-09.1 Amendment - The Council adopted Ordinance A96-09.1 amending ordinance A96-09 by correcting a typo in the legal description of an annexation ordinance adopted in 1996. *A copy of Annexation Ordinance A96-09.1 is attached to these minutes.*

7d. Resolution 16-34 - The Council adopted Resolution 16-34 authorizing signatures for Four Oaks Bank & Trust accounts. *A copy of Resolution 16-34 is attached to these minutes.*

7e. Police Department Software – The Council approved to enter an amended contract with Sungard Public Sector for police department software solution.

**8a. 10-DP-06-A02, Rex Healthcare** – Mr. Ryan said the Town has received a request for an amendment to the previously-approved Rex Healthcare Facility located at the intersection of Avent Ferry Road and G.B. Alford Highway. The original plan consisted of two phases: Phase I consisted of one 32,600 square foot building, which has been constructed, and Phase 2, which consisted of a second building totaling approximately 30,000 square feet.

The applicant is proposing a modification to phase 2 to increase the height of the building from two stories to three stories, amounting to an increase in the floor area of the building from 30,000 square feet to 49,000 square feet, add additional parking, and make minor changes to the site landscaping. In accordance with UDO Section 9.05 Development Plans – Acceptable Amendments, the increase in building height greater than 15% of the original approved height requires review by the Planning Board and approval from the Town Council.

**Action 1:** The Council approved a motion to make and accept the findings of fact, as submitted by the petitioner to be recorded in the minutes, for waivers 16-WAV-11, 16-WAV-20, and 16-WAV-21: a waiver of regulations of UDO Section 3.08 A. 1. c. (2) (a) Building Massing, to allow a reduction in the vertical height of the building base, from 9% to 6% on the west, north, and south

elevations for Development Plan Petition 10-DP-06-A02 for Rex Healthcare as submitted by Capital Civil Engineering.

A petition for a waiver of regulations of UDO Section 3.08 A. 1. c. (2) (a) Building Massing 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 by:** Williams

**Second by:** Cobb

**Vote:** Unanimous

*A copy of the waiver application addressing the findings are attached to these minutes.*

**Action 2:** Having made findings of fact that the petition meets the requirements to be granted a waiver of regulations of UDO 3.08 A. 1. c. (2) (a) Building Massing, the Council approved a motion to approve waivers 16-WAV-11, 16-WAV-20, and 16-WAV-21 to allow a reduction in the vertical height of the building base, from 9% to 6% on the west, north, and south elevations for Development Plan Petition 10-DP-06-A02 for Rex Healthcare as submitted by Capital Civil Engineering.

**Motion by:** Cobb

**Second by:** Dickson

**Vote:** Unanimous

**Action 3:** The Council approved a motion to approve to make and accept the findings of fact as submitted by the petitioner to be recorded in the minutes for waiver 16-WAV-12: a waiver of regulations of UDO Section 7.05 B. 1. Loading Space Dimensions, to allow a reduction in the depth of the off-street loading space from 55 feet to 35 feet for Development Plan Petition 10-DP-06-A02 for Rex Healthcare as submitted by Capital Civil Engineering.

A petition for a waiver of regulations of UDO Section 7.05 B. 1. Loading Space Dimensions may only be granted upon the presentation of sufficient evidence to enable a written determination that:

- a. The nature and location of the proposed building or structure, and;
- b. The maximum size and number of delivery vehicles and the approximate time of day and number of occurrences per week that delivery vehicles can reasonably be expected to serve the proposed building or structure at one time, and;
- c. The granting of the waiver will not be detrimental to public safety, health or welfare or injurious to other property, and;
- d. The waiver will not contravene the provisions of this UDO or the Comprehensive Plan, and;
- e. An area for future off-street loading area is provided on the lot or within the integrated center, business park or industrial park that is of sufficient size and layout to effect compliance with the basic minimum requirements of this UDO is indicated on the approved plans. Such area shall not be used for any form of development unless an amended development plan is submitted and approved, that indicates compliance with the provisions of this sub-Section.

**Motion by:** Dickson

**Second by:** Cobb

**Vote:** Unanimous

*A copy of the waiver application addressing the findings are attached to these minutes.*

**Action 4:** Having made findings of fact that the petition meets the requirements to be granted a waiver of regulations of UDO Section 7.05 B. 1. Loading Space Dimensions, the Council approved a motion to approve waiver 16-WAV-12, to allow a reduction in the depth of the off-street loading space from 55 feet to 35 feet for Development Plan Petition 10-DP-06-A02 for Rex Healthcare as submitted by Capital Civil Engineering.

**Motion by:** Lee

**Second by:** Cobb

**Vote:** Unanimous

**Action 5:** The Council approved a motion to approve Development Plan #10-DP-06-A02 for Rex Healthcare as submitted by Capital Civil Engineering, Project Number 006-025, dated Revised Sept. 12, 2016 with the following conditions:

1. All previously approved *Rex Healthcare Development Plan* previous approval conditions will apply to this plan as well.
2. The following items are required prior to construction drawing submittal:
  - a. Please note that this project will be required to meet Town's NPDES Phase II Post Construction Stormwater ordinance. A general stormwater requirement may affect this project. Refer to NCDWQ's website for more information.
  - b. All items listed on the Stormwater Submittal Checklist, Form #16003, must be included.
  - c. A Recombination plat must be submitted and approved that formally establishes the new project area lot lines as consistent with 10-DP-06-A02.
3. The following items are required prior to construction drawing approval:
  - a. Approval of Stormwater Management Plan is required prior to issuance of a land disturbance permit or construction drawing approval.
  - b. Payment of the Stormwater Fee-in-Lieu will be required.

**Motion by:** O'Brien

**Second by:** Cobb

**Vote:** Unanimous

**8b. 14-MAS-06-A01, Twelve Oaks Phase 9** – Mr. Beard said the Town has received a request for an amendment to the Twelve Oaks Planned Unit Development Phase 9 preliminary plans to add 33 lots to the subdivision. The lots being added are being placed south of Woods Creek Road and are made possible by a reduction in lot size of many of the large lot sections in Phase 9.

He said the Twelve Oaks PUD consists of a total of 823.14 acres and allows for up to 2,353 total dwelling units. Previously, Phase 9 was approved to provide 407 single-family lots (combination of Type A and B lots) and no multi-family residential units. This amendment would provide a total of 440 single-family lots (combination of Type A and B lots) and no multi-family residential units. As part of the original Twelve Oaks PUD approval, Phase 9 was allotted 456 total lots as shown in PUD sections SF8 and SF9. The maximum allowable density of section SF8 is 3.75 Units/Acre and 3.67 Units/Acre for SF9. The proposed density with this amendment would be 3.29 Units/Acre.

The 133 acre Stephenson Tract was added to the Twelve Oaks PUD during PUD Amendment 03-PUD-01-A09.

In addition to meeting all established lot requirements, proposed lots also would have to meet the architectural standards of the Twelve Oaks PUD.

**Action:** The Council approved a motion to approve of Preliminary Plan 14-MAS-06-A01 for Twelve Oaks Phase 9 as submitted by Spaulding & Norris Engineering, Project Number 410-02, dated Revised Sept. 12, 2016 with the following conditions:

1. All previous approval conditions for *Twelve Oaks Phase 9* & *Twelve Oaks PUD* will apply to this plan amendment.

2. Prior to 1<sup>st</sup> construction drawing submittal, the following items must be addressed (or included with the submittal package):
  - a. A site lighting plan will be required to be submitted to Planning & Zoning for review and approval. Street Trees on all interior streets shall be positioned as to not interfere with any lighting fixtures present or any site distance triangles.
  - b. This project will be required to meet the Town of Holly Springs NPDES Ph. II Post Construction Stormwater Ordinance.
  - c. A fee-in-lieu of construction for the portion of required road improvements on Old Holly Springs/Apex Road near the Strother property will be required. Provide an exhibit and cost estimate for the portion of the required road widening not being completed so the amount can be determined.
  - d. The left-over shown on the plans on Old Holly Springs /Apex Road is subject to NCDOT review and approval
  - e. Thoroughfares, collectors and boulevards will require a calculated pavement design. Note that the pavement design will require NCDOT approval.
  - f. Documentation in the form of a recorded plan will be required for any offsite right-of-way required for this project.
  - g. A detailed hydraulic report will be required for the reclaimed water main extension proposed to determine the line sizes required. The information has been provided to the town to update this model. Continue to work with staff to complete this update prior to CD submittal.
  - h. Home owner's Association covenant documents shall be recorded with the first plat associated with this subdivision. Provide a draft copy for review with construction drawing submittal.
3. Prior to construction drawing approval, the following items must be addressed:
  - a. Approval of Stormwater Management Plan is required prior to issuance of a land disturbance permit or construction drawing approval.
  - b. Payment of the Stormwater Fee-in-Lieu will be required
  - c. Stormwater sureties are required on this project. A performance surety in the form of a bond, letter of credit or cash is required in the amount of 150% estimated construction cost of the stormwater BMP prior to plat recordation and a maintenance surety in the form of a cash escrow account in the amount of 35% the actual construction cost of the BMP is required at the end of the performance monitoring period for the project.
  - d. All environmental permits must be obtained prior to construction drawing approval and/or issuance of a land disturbance permit for the entire project.
4. An Infrastructure Reimbursement Agreement (IRA) is being prepared for this project. It will either move forward to the Town Council at the same meeting at this approval or be on the next available Town Council meeting. Should any of the terms of that agreement change items on this plan, revised plans may be required.

**Motion by:** Cobb

**Second by:** Williams

**Vote:** Unanimous

**9. Other Business:** None that resulted in action.

**10. Manager's Report:** None that resulted in action.

**11. Closed Session:** None.

**12. Adjournment:** There being no further business for the evening, the Oct. 4, 2016 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, Oct. 18, 2016.

*Joni Russell* \_\_\_\_\_  
MC



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