



Jan. 16, 2018

## MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Jan. 16, 2018 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 five council members were present as the meeting opened.

**Council Members Present:** Mayor Sears, Councilmen Tom O'Brien, Dan Berry, Peter Villadsen and Councilwomen Christine Kelly 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); Adam Huffman, assistant parks and recreation director; Gina Clapp, director of planning and zoning; Kendra Parrish, director of engineering; Mary Hogan, finance director; Leroy Smith, fire chief; Billy Whitehead, information technology technician; Irena Krstanovic, economic development director; Anna Johnson, economic development coordinator; Mary DePina, project engineer; Luncie McNeil, public works director; Paul Allen, real estate acquisition agent, Kimberly Keyes, project and construction manager; Sean Byrd, water quality director; 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 Jan. 16, 2018 meeting agenda was adopted with changes, if any, as listed below: None.

**Motion by:** O'Brien

**Second by:** Villadsen

**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:

Gerald Holleman, 5625 Easton Street – Mr. Holleman asked the Council to consider a policy of widening existing city streets and making improvements to some of the ones that are in aged condition.

Joe Fanjoy, 109 Fairground Road -- Mr. Fanjoy addressed the Council to remind them of improvements that need to be made to Grigsby Ave., especially just beyond Maple Street and before the curve. He said the Town will take over Grigsby Ave. after NCDOT paves it. This paving has been delayed once and is now scheduled for this spring. He asked the Town to follow up with NCDOT to make sure the paving is done this spring. Additionally, he asked the Town Council to discuss and come up with a plan for overall improvements to Grigsby.

**6a. WRAL TechWire Partnership** – Ms. Krstanovic said the Town is pleased to announce that we will be entering into an annual \$10,000 innovator partnership agreement with WRAL TechWire.

Ms. Krstanovic said that as a part of our continued efforts to help grow small businesses and the entrepreneurship ecosystem in Holly Springs, this entry-level partnership will present us the opportunity to communicate our organizational and personal thought-leadership to the WRAL

TechWire audience with sponsored content, participation as a speaker or panelist at a 2018 TechWire event, and opportunity for our team to take a part at all TechWire events in 2018.

**Action:** None.

At this time, Councilwoman Kelly asked legal counsel if she, since she owns property in proximity to this closure, should recuse herself from deliberation and action.

Mr. Schifano advised that the statute states that an elected official has an obligation to vote on all matters unless an action would benefit the official in a direct and substantial financial way. He added that the Town has no qualified evidence that the value of Councilwoman Kelly's property would be increased or decreased, so it would be up to Councilwoman Kelly.

He concluded that if Councilwoman Kelly feels that the closure would benefit her in a financial way, then she should recuse herself. Conversely, if she does not feel the closure would benefit her, then she should vote on the matter.

Councilwoman Kelly said she did not see how the road closure would benefit her, especially since there are no plans for property taking. She concluded that she should vote but wanted everyone to know why. Other members of Council had no objections.

**7a. Public Hearing: Raleigh Street Closure Order** – Mr. Levitt said that on Dec. 19, Council adopted a resolution of intent to close and abandon a section of Raleigh Street right of way located in the Village District and to set a public hearing on the question of closing the street for today, Jan. 16.

He said the proposed plans are to abandon the Raleigh Street right-of-way between Grigsby Avenue and Main Street.

The Town is requesting the closure as part of the Town Hall Commons infrastructure and parking project (#14-030) to allow for operational and safety improvements to the remaining roadway network. The closure and abandonment of this section of Raleigh Street will remove the undesirable "K" intersection at Main Street/Rogers St/Raleigh Street and allow for the realignment of the existing Rogers Street (east of Main Street) with the proposed extension, known as W. Rogers Street (from Main Street to Avent Ferry Road)

Mr. Levitt showed the existing and proposed street alignments and explained how the closure would facilitate the construction of a safer confluence of Rogers and Main Street. He said staff has met with two churches in the area to discuss how their traffic flows would be affected should Raleigh Street be closed. In summary, he said the churches are pleased with the plans and have no objections to the closure of this portion of Raleigh Street.

The proposed Town Hall Commons developments will draw in higher amounts of vehicular and pedestrian traffic to the area, and these roadway improvements will improve the operations and safety for visitors.

Council members asked questions about some of the finer points of the construction project that can best be answered after a contractor is hired to do the work and a schedule of construction is devised.

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

There being no input, the public hearing was closed.

**Action:** The Council approved a motion to adopt Resolution 18-04 ordering the closing of a portion of Raleigh Street right of way (from Main Street to Grigsby Avenue).

**Motion by:** O'Brien

**Second by:** Lee

**Vote:** Unanimous

*A copy of Resolution 18-04 is attached to these minutes.*

**7b. Public Hearing: Main Street Exchange of Real Property** – Mr. Schifano said this is the second required public hearing pursuant to NCGS 160A-271. The town is proposing to exchange a portion of the town's parcel on Main Street with a tax ID of 0078424. It is an approximate 0.29-acre

parcel between the ABCZ Properties parcel and the Holly Springs Chamber of Commerce parcel, about 250 feet south of Town Hall. The town's parcel was acquired in 2005 as a result of a relocation of an occupant for minimum housing code violations, and the structure was razed. The town's cost basis in the property is essentially \$0.00.

He said an appraisal of the effect of the swap was performed by a state-licensed appraiser, and his report is attached. His opinion is that the town's parcel ("A") in the before condition was worth \$95,310. The town will receive "B" & "C" areas as discussed in the report, which have an after-swap value of \$143,792. The "A" tract, which if the council approves this transaction, will have a value of \$280,613 in the after-condition. He is apparently of the opinion that by merely reconfiguring the lots, both the developer's parcel and the town's parcel receive significant benefits as a result of the swap.

The statute requires that the town receive "full and fair consideration in exchange for its property." It is up to the town council to determine if the after-value of what the town is to receive is proper consideration for what it is giving up in the exchange. The opinion of the appraiser is that it is, however the council is not bound by the appraiser's expert opinion.

A previous public hearing was heard to authorize this exchange on June 6, 2017 as the exchange was contemplated in the developer agreement with 242 Holly Springs, LLC, the development company. The only comment from the public at that hearing dealt with 242 Holly Springs LLC status as a limited liability company. The real property exchange would be with the legal entity that owns the parts "B" and "C", which are currently ABCZ Properties, LLC and the Holly Springs Chamber of Commerce, respectively. However those parties are all under contract with the developer (242 Holly Springs LLC), and may or may not change title by the time the exchange is affected. Regardless, if approved, the town will end up with title to parcels "B" and "C" which are required for the public parking component.

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

There being no testimony, the public hearing was closed.

**Action:** The Council approved a motion to adopt Resolution 18-05, approving the land swap of the parcels on Main Street discussed in the August 17, 2017 appraisal report by Tom Hester, MAI.

**Motion by:** Villadsen

**Second by:** Berry

**Vote:** Unanimous

*A copy of Resolution 18-05 is attached to these minutes.*

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

8a. Minutes – The Council approved the minutes of the Board's meeting Jan. 2, 2018.

8b. Budget Amendment Report – The Council received report of monthly administrative budget amendments approved by the Town Manager. *A copy of the budget amendment report is attached to these minutes.*

8c. Resolution 18-06 - The Council adopted Resolution 18-06 declaring certain personal property surplus to the needs of the town. *A copy of the Resolution 18-06 is attached to these minutes.*

8d. Farmer Market Fee Schedule Amendment - The Council adopted amendments to 2018 Holly Springs Farmers Market fee schedule.

8e. Town Hall Commons Project Budget Amendment - The Council adopted an amendment to FY 2017-18 budget in the amount of \$20,000 to transfer funds in the Town Hall Commons project.

8f. Avent-Ferry Rd/ Center Street Water Line Budget Amendment - The Council adopted an amendment to FY 2017-18 budget in the amount of \$14,750 to transfer funds in the Aventure Ferry Road / Center Street water line extension project.

8g. National Trench Safety Steel Plates – The Council approved purchase of three steel plates and one month of rental from National Trench Safety and adopt the related budget amendment.

8h. Utley Creek Force Main Replacement Project – The Council approved funding for land acquisition for the Utley Creek force main replacement project.

8i. Resolution 18-07 – The Council adopted Resolution 18-07 approving modifications to the rezoning and Special Exception Use review timeframes in the Development Procedures Manual. *A copy of the Resolution 18-07 is attached to these minutes.*

8j. Lochridge Subdivision Recreation Site – The Council approved an extension to the approval of the Lochridge subdivision recreation site.

8k. Anderson Chiropractic DIA Budget Amendment – The Council adopted amendments to the FY 2017-18 budget to transfer \$23,000 for the Anderson Chiropractic downtown development investment agreement.

**9a. Board of Adjustment and Planning Board Appointments** – Ms. Clapp said the last day of February of each year, the terms of several members of the Board of Adjustment and Planning Board expire. The Town Council is responsible for the appointment of “in-town” members to the Holly Springs Board of Adjustment and Planning Board. ETJ members are officially appointed by the Wake County Board of Commissioners (WCBOC) however, the Town Council makes a recommendation to the WCBOC on who should be appointed.

The Town Council is being asked to review the applications for the vacancies and at the Town Council’s discretion appoint new members to the respective boards or re-appoint interested members. The terms will be for three years from March 1, 2018 – February 28, 2021.

This year’s vacancies are as follows:

**Board of Adjustment** - 1 in-town member and 1 ETJ member

**Planning Board** - 3 in-town members and no ETJ members.

In addition, there is one mid-term vacancy on the Planning Board, created by Dan Berry’s being elected to the Town Council, that will need to be filled. This is for a partial term ending February 29, 2020.

In accordance with the Unified Development Ordinance (UDO), any member with a pattern of absenteeism or partial participation in regular or special meetings may be removed by the Town Council at their discretion. In the event that a member is terminated, the Town Council shall promptly appoint a new member to fill the remainder of the vacated term. Included with your packet of applications in December were the past three years of attendance for the two boards.

The applications that have been submitted for this year's appointment were sent to the Town Council under separate cover in December. No additional applications have been submitted.

After review of the applications, Council members nominated their selections for each position and then approved motions to select those receiving the most mentions.

**Action #1:** The Council approved a motion to appoint Erin Pare as an in-town member of the Board of Adjustment with a term of March 1, 2018 to Feb. 28, 2021.

**Motion by:** Lee

**Second by:** O’Brien

**Vote:** Unanimous

**Action #2:** The Council made a motion to recommend that the Wake County Board of Commissioners reappoint Lois “Lisa” Simmons as the ETJ member of the Board of Adjustment with a term of March 1, 2018 to Feb. 28, 2021.

**Motion by:** Kelly

**Second by:** Berry

**Vote:** Unanimous

**Action #3:** The Council made a motion to appoint Mike Brady and Rick Madoni and Courtney Patterson as in-town members of the Planning Board with a term of March 1, 2018 to Feb. 28, 2021.

**Motion by:** Lee

**Second by:** O'Brien

**Vote:** Unanimous

**Action #4:** The Council made a motion to appoint Van Crandall as an in-town member of the Planning Board with a term of Jan. 17, 2018 to Feb. 29, 2020.

**Motion by:** Berry

**Second by:** O'Brien

**Vote:** Unanimous

**Action #5 if needed:** The Council made a motion to appoint Timothy Forest as an in-town member of the Board of Adjustment with a term of Jan. 17, 2018 to Feb. 28, 2019.

**Motion by:** Villadsen

**Second by:** O'Brien

**Vote:** Unanimous

**9b. Gable Ridge Culvert Repair Project** - Ms. DePina said this project will repair a section of 72-inch storm drain that failed during a heavy rain storm on Oct. 25. The temporary fix has been implemented to stabilize the site. The pipe is in the front yard of the property located at 5208 Gable Ridge Lane.

She said this drainage system was installed in the 1980s, prior to implementation of the Town's stormwater ordinance and does not meet today's specifications. In 2007, a failure occurred in the front yard of 5208 Gable Ridge Lane. Because the failure threatened Town infrastructure upstream, the Town repaired the storm drain although it is in a private drainage easement. The repair consisted of removing approximately 20 linear feet of the top third of the storm drain and placing a liner in the failed section. Since the repair in 2007, this storm drain has been inspected on a regular basis. The most recent inspection was conducted on Sept. 25, 2017.

The pipe failure that occurred in October was the result of the liner's collapsing. Public Works Department did a phenomenal job securing the area with a temporary measure until we can have a permanent solution designed and constructed. The pipe, in its current condition, continues to threaten Town infrastructure, which is why it is justified for the Town to make the repair

**Action:** The Council approved a motion to approve a contract in the amount of \$46,460 for design and construction administration services, and approve funding of \$19,586 (for design services only) to Wetherill Engineers, Inc. to initiate the design phase.

**Motion by:** Villadsen

**Second by:** Lee

**Vote:** Unanimous

**9c. Town Hall Commons Project** - Mr. Levitt said the Town is continuing work on the Town Hall Commons project, a project which proposes to change the Village District's core in a major way.

Town Council previously approved two development agreements with 242 Main Street Holly Springs, LLC and Malbec, LLC for the construction of 90,000 to 110,000 square feet of office, retail, restaurant, services and other similar active uses. Holly Springs is responsible for delivering public infrastructure, including 180 parking spaces, streetscape improvements, the extension of Rogers Road, and a regional stormwater facility serving the area. This private-public partnership is anticipated to ignite development downtown and interest in downtown development projects already has increased significantly.

He said Town Staff has been working with CLH Design, PA on the design of the project and continues to make progress. Currently, the project is in the construction drawing review phase where actual detailed plans are being completed and permits are being applied for and obtained.



Once this phase is complete, the project will move on to complete land acquisition, advertisement for bids, and bid award.

He presented two construction contracts for approval in the future. The first will be for the construction of the parking deck and adjacent improvements as this portion of the work is being included in the 242 Main Street scope of work. It was decided early on that due to the proximity of the project, it would be best to have one contractor responsible for the completion of the 242 building and the attached parking structure.

The second construction contract that was presented is for the remainder of the infrastructure, including the new W. Rogers Road, the utility work, stormwater control measures, and other related improvements. The project is on schedule for a Spring 2018 start of construction.

The Town is preparing to receive bids on the parking deck and infrastructure projects and has prepared the below budget for the project. The anticipated costs have limited detail due to the desire to keep expected costs somewhat vague and to protect the Town's interests during the upcoming bids. Cost estimates for the project have evolved with the evolving scope; however, CLH Design has retained the cost estimation services of Cumming to provide an accurate estimate that takes into account the many volatile aspects of construction costs that is prevalent in our region.

In conjunction with the Town Hall Commons Project budget, the Town would like to expand the services that BNK, INC. is currently under contract for to do the right of way, recombination, easement and boundary platting for the 242 S. Main LLC, TOHS stormwater control measure, TOHS / Church and Utley Heirs properties.

**Action:** The Council approved a motion to award contract for plat services to BNK and approve funding in the amount of \$10,950, and adopt a project budget.

**Motion by:** Berry

**Second by:** O'Brien

**Vote:** Unanimous

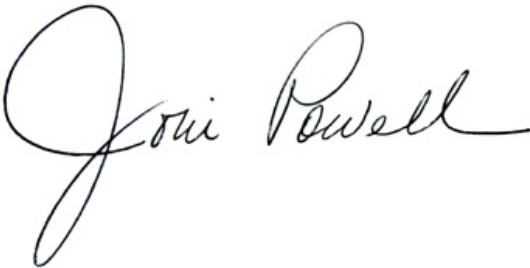
**10. Other Business:** None that resulted in Council action.

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

**12. Closed Session:** none.

**13. Adjournment:** There being no further business for the evening, the Jan. 16, 2018 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, Feb. 6, 2018.

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ollow and are a part of the official record.