



June 5, 2018

## MINUTES

The Holly Springs Town Council met in regular session on Tuesday, June 5, 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:** Daniel Weeks, interim town manager; Kendra Parrish, director of engineering and acting assistant town manager; John Schifano, town attorney; Joni Powell, town clerk, (recording the minutes); Adam Huffman, assistant parks and recreation director; Aaron Levitt, senior engineer; Mary DePina, project engineer; Gina Clapp, director of planning and zoning; Sean Ryan, planner; Elizabeth Goodson, development review engineer; Mary Hogan, finance director; Leroy Smith, fire chief; Billy Whitehead, information technology technician; Paul Allen, real estate acquisition agent, 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. Doug Parlin, retired pastor of South Wake Baptist Church.

**4. Agenda Adjustment:** The June 5, 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:

John Dolpe, owner of Rodney's Signs – Mr. Dolpe addressed the Council to explain that he and his wife, Taylor, will continue operating their successful business in Holly Springs but under a new name, ASI Signs. He also thanked the Council members for their service to community. He noted that those who criticize are often the ones who do nothing but criticize. He commended the Council for "being in the arena" as described in a 1910 address by Theodore Roosevelt.

**6a. Erosion and Sedimentation Control Program** – Mr. Levitt said at the 2018 Local Program Workshop in Raleigh May 3, the Town of Holly Springs Delegated Erosion and Sedimentation Control Program was awarded: *Erosion and Sedimentation Control Program of the Year-Small Program*.

Mr. Levitt said the North Carolina Sedimentation Control Commission recognizes the importance and the value of local erosion and sediment control programs in controlling pollution

by sedimentation to the waters of the State of North Carolina. The Local Program Workshop offers training and also seeks to recognize outstanding local programs. Nominations are solicited from delgated programs and private entities, as well as the Land Quality Section staff, and each year awards of excellence are presented to delegated local programs in two categories.

He reviewed the comments below from the award ceremony:

At our review in December, the program had 152 open projects, with 3,027 inspections having been conducted over the last 12 months and 3 Notices of Violation issued during that time. This program was nominated by the Raleigh Regional Office, who observed that the program “excels in regard to frequency and effectiveness of their inspections”, that the program appears to have forged strong working relationships between their staff and the developers & contractors they regulate, and that the program has a “well-designed website, which provides valuable information in a concise and easy-to-navigate package.” Additionally, the Sedimentation Control Commission praised this small program for the management of their sites during their review in February. All sites that were visited during our review were in compliance.

Mr. Levitt said staff members include Daniel Colavito, environmental specialist and program administrator; Darin Eyster, stormwater administrator and plan reviewer; Mark Tutor, erosion control inspector; and Jeff Peters, engineering technician.

**Action:** None.

**7a. Public Hearing: Annexation Ordinance A18-01** – Ms. Clapp said the Town has received a petition for voluntary annexation of approximately 1.095 +/- acres located at 4528 Sunset Lake Road. The property owner is Michele Lacatena, and the property is contiguous with city limits.

She added that the petitioner is requesting that action be delayed because more information is required to accompany the application.

**Action:** The Council approved a motion to defer the public hearing and action on Annexation Ordinance A18-01 to the June 19 Council meeting.

**7b. Rezoning Petition 18-REZ-03, Treatment Plant Road** – Ms. Sigmund said this is a Town-initiated request to rezone 1.52 acres of Town-owned property from PUD: Morgan Park PUD and R-30: Residential to RT: Research and Technology. The property is located to the east of the Town of Holly Springs water reclamation facility, across Treatment Plant Road. The property is developed with a Ting communication facility structure. The addition of a satellite dish is proposed as a separate development request through the building permit process. The proposed rezoning would allow for the continued use of the property for telecommunication utility (fiber internet) purposes and would provide an appropriate buffer and transitional use between the existing water reclamation facility and residential development in the larger area and future adjacent commercial development.

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

James Harris, owner of neighboring property – Mr. Harris said he is not against the rezoning, but he is against the whole project that he feels trespasses his property. He said the roadway easement that crosses his property is not owned by the Town.

Mr. Schifano explained that the Town does have title to the road easement.

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

**Action #1:** The Council approved a motion to accept the following statements as being true: *"The requested zone map change from R-30: Residential and PUD: Morgan Park PUD to RT: Research and Technology is consistent with the objectives of the Vision Holly Springs Comprehensive Plan by identifying land for future industrial development and ensuring*

adequate infrastructure to serve industry. The property will provide an appropriate continuation and transition of the existing Water Reclamation Facility and will support the continued development of fiber internet services. A staff-initiated town-wide update to the Future Land Use Plan Map is planned for the coming fiscal year. During this update, staff would look to modify the Future Land Use Map to recognize existing development/uses. While this area is currently designated for Residential uses, the existence of the Water Reclamation Facility would suggest that this vicinity be designated for industrial uses."

**Motion by:** Villadsen

**Second by:** Berry

**Vote:** Unanimous

**Action #2:** The Council approved a motion to approve Zone Map Change Petition #18-REZ-03 to change the zoning of 0.766 acres of Wake County PIN 0649505099 from PUD: Morgan Park PUD to RT: Research and Technology District, and 0.76 acres of Wake County PIN 0648590926 from R-30: Residential to RT: Research and Technology District, as submitted by the Town of Holly Springs.

**Motion by:** Lee

**Second by:** Berry

**Vote:** Unanimous

*A copy of the Rezoning Petition 18-REZ-03 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 minutes of the Council's meetings held April 17, April 23, May 1 and May 7, 2018.

**8b. Ordinance 18-05** - The Council adopted Ordinance 18-05 amending the Parks and Recreation Committee ordinance. *A copy of the Ordinance 18-05 is attached to these minutes.*

**8c. Transportation Bond Counsel** - The Council approved to retain Bob Jessup as bond counsel for the transportation bond.

**8d. 12-DP-09 for Pecan Grove South Extension** – The Council approved the final extension for 12-DP-09 for Pecan Grove South to expire Nov. 30, 2018.

**8e. Resolution 18-18.1**– The Council adopted Resolution 18-18.1 requesting extension of time to issue remaining parks and recreation bonds. *A copy of the Resolution 18-18.1 is attached to these minutes.*

**8f. Resolution 18-20** – The Council adopted Resolution 18-20 approving the 2017 local water supply plan. *A copy of the Resolution 18-20 is attached to these minutes.*

**8g. East Coast Pyrotechnics Inc. Contract** – The Council approved to enter a \$22,000 contract with East Coast Pyrotechnics, Inc. for the July 5 fireworks display.

**8h. Budget Amendment \$1 Million** – The Council adopted a budget amendment to transfer \$1 million from the Powell Bill fund balance account 10.422.23.90.04 into the current year budget to be used for the Town Hall Commons infrastructure and parking project.

**9a. Local Community Grants** – The fiscal year began in July 2017 for civic groups to submit applications for funding from this year's grant program. Application packets were distributed in March to all groups who had requested them in 2017-18 budget year.

Councilmen Berry and Villadsen serve with Councilwoman Lee on a grant application review committee. Councilman Berry said the Council received 11 applications requesting \$18,000 in funding. There is \$15,000 available in that line item.

He said the Committee members recommend \$13,000 in grant awards, which would leave \$2,000 unallocated in the line item. He suggested that the remaining \$2,000 be made available for any other organization that might apply before the end of the fiscal year.

**Action:** The Council approved a motion to award FY 2017-18 community agency grants in following amounts recommended by the committee, with the remaining \$2,000 to be awarded at the June 19 Council meeting:

Name	Current Year Request	Recommended
Holly Grove Middle PTSA	\$500	\$500
Holly Springs Civitan Club	\$500	\$500
Holly Springs Food Cupboard	\$2,500	\$2,500
HS Community Band	\$2,000	\$2,000
HSHS Band	\$2,500	\$2,000
HSHS PTSA	\$2,000	\$1,500
Interact of Wake County	\$2,000	\$500
Martin Luther King Jr. Celebration Committee Inc.	\$500	\$500
Sense of Play	\$500	\$500
Lions Club	\$2,500	\$1,000
Kiwanis Club	\$2,500	\$1,500
<b>TOTAL</b>	<b>\$18,000</b>	<b>\$13,000</b>

**Motion by:** Lee

**Second by:** O'Brien

**Vote:** Unanimous

**9b. Mama Bird's Parking Lot Agreement** - Ms. DePina said while the construction of Town Hall Commons is an exciting venture for the Town of Holly Springs, it and recent business growth downtown has resulted in a temporary, yet noticeable, loss of parking in the Village District. To alleviate this, staff first approached the Methodist Church with a request that would allow the Town to use the grassy area adjacent to the existing parking lot for parking. The church was amenable, but stipulated that the Town would need to place gravel in the temporary parking area and convert the temporary lot into a permanent lot once it was no longer needed for temporary use.

Because of site topography and the cost to build the permanent lot, staff explored other options.

Engineering had already been considering other options and, as a result, Public Works Department was able to install a temporary Town employee parking lot at the corner of Main Street and Earp Street. This lot provides approximately 85 spaces.

Even with the temporary employee parking lot in service, public parking is limited in the Village District. Allowing Mama Bird's lot to be used as a temporary public parking lot would provide approximately 60 spaces. Much like the lot at Main and Earp, this lot would be constructed by Public Works Department, would be efficient and cost effective. Staff proposes entering into a lease agreement with the property owner for \$500 per month.

Councilwoman Kelly asked if she should recuse herself since she owns the property across the street from the lot.

It was the town attorney's advice that Councilwoman Kelly would have no substantial or direct financial benefit from the lease of the property, so it would be appropriate for her to vote.

**Action:** The Council approved a motion to enter a lease agreement for \$500 per month for the temporary use of the Mama Bird's vacant lot as a downtown parking lot.

**Motion by:** Kelly

**Second by:** Berry

**Vote:** Unanimous

**9c. 15-DP-17-A03, Holly Lakes at Sunset Commons -** Mr. Ryan explained the Holly Lakes at Sunset Lake Commons is an integrated center approved in 2016 adjacent to Sunset Lake Commons along Sunset Lake Road. The project is under construction. Fresh Market was anticipated to anchor the integrated center; however, the grocery store is no longer part of the project. The applicant is requesting to modify the approved building elevations to remove the primary architectural features associated with the former grocery anchor tenant and provide a revised architectural treatment without a primary architectural feature that is consistent with the remaining tenant spaces.

In accordance with UDO Section 9.05 D: Development Plans, a substantial change in building design, building material selection, or percentage of various building materials utilized is considered a major amendment that must be approved by the Town Council.

Planning Board representative Rick Madoni reported that the Planning Board had reviewed the application and recommends approval.

The applicant addressed the Council to explain that the development plan amendment is being requested because the architectural features that are proposed to be changed are the proprietary design of the tenant that will no longer be leasing space in the center.

**Action:** The Council approved a motion to approve Development Plan major amendment 15-DP-17-A03 as submitted by Bass, Nixon & Kennedy, Project Number 15032a, dated 3/7/2018 with the following condition:

1. All previous approval conditions for Holly Lakes Shopping Center Development Plan apply to this amendment as well.

**Motion by:** O'Brien

**Second by:** Berry

**Vote:** Unanimous

**9d. 17-DO-02-01, Honeycutt Farm Subdivision -** Mr. Ryan said the Town has received a request to amend the Honeycutt Farm Subdivision located along the north and south sides of Honeycutt Road between Cass Holt Road and Piney Grove-Wilbon Road. The purpose of the amendment is to modify the main recreation center area on the south side of Honeycutt Road that was approved as part of the overall subdivision plan. In accordance with UDO Section 9.05 D: Development Plans, a substantial change in building design, building material selection, or percentage of various building materials utilized is considered a major amendment that must be approved by the Town Council. The proposed modifications to the building elevations for the clubhouse building qualify under this provision.



In addition to the recreation area modifications, the applicant is proposing a modification to lots 87, 88, & 89, located adjacent to the Garrison subdivision, to enlarge the lots to the minimum 10,000 square foot size requirement of the R-10 zoning district in accordance with condition of approval #12 placed on the project when approved by the Town Council in November of 2017.

Planning Board representative Rick Madoni reported that the Planning Board had reviewed the application and recommends approval.

The applicant provided a brief presentation to provide elevations of the new amenity site and building that are being proposed.

Councilman Berry asked if the amenity center counted toward the dedicated open space that is required of the development. Mr. Ryan said yes.

**Action:** The Council approved a motion to approve Development Option Plan major amendment #17-DO-02-A01 for Honeycutt Farm as submitted by McAdams, Project Number MIH-16010, dated Revised 05/10/2018 with the following conditions:

1. All previous conditions of approval for the Honeycutt Farm Development Options Plan (17-DO-02) will apply to this plan amendment.
2. The following items will be required with the first construction drawing submittal:
  - a. A plan for the new dam located on the amenity center lot.
  - b. Construction drawings shall show an accessible path out of each exit gate of the pool area and to the dock and the refurbished barn.
3. Prior to construction drawing approval and/or issuance of a land disturbance permit for the entire project, the following items must be addressed:
  - a. All environmental permits must be obtained.

**Motion by:** Villadsen

**Second by:** O'Brien

**Vote:** Unanimous

#### **9e. Appointments to Future Land Use and Community Character Plan Team - Ms.**

Sigmund said in the upcoming FY18-19 Budget, the Town Council will be including funding to contract with a consultant to begin preparing an update to the Future Land Use and Community Character sections of the Town's Comprehensive Plan, with the remainder of the project to be funded in the following fiscal year. The Future Land Use and Community Character Plan will describe the Town's vision and guide growth and development, including infill development, throughout the Town's entire planning jurisdiction for the next 10 years. It is anticipated that this community visioning and planning process will span a 12-month period. Community involvement is critical for successful development of a new Future Land Use and Community Character Plan. It is very important that the Town engage with a highly qualified and innovative consultant to facilitate public involvement as well as prepare a plan that will guide the Town in sound decisions for future growth and development.

The anticipated schedule is:

- June – July: RFP Development
- July – Aug.: RFP Issued/proposal submittals
- Aug. – Sept.: Submittal Review, Consultant Interviews and Selection
- Oct.: TC Contract Approval
- Nov. – Dec.: Consultant Notice to Proceed/Background and Staff Meetings, Creation of Steering Committee
- Jan.: Begin Community Engagement Meetings
- Jan. – June: Plan Development and Draft Finalized
- June/July: Planning Board Recommendation
- July/Aug.: Town Council Public Hearing and Adoption
- Aug. – Oct.: Plan Document finalization, publication, and webpage launch

She said ultimately, the Future Land Use and Community Character Plan will be adopted and endorsed by the Town Council as the Town's official future land use plan. In order to ensure that insight is provided on Council's preferences and perspectives from the outset of this project, staff requests that the Town Council appoint one or two Council members to represent the Town Council on an interdepartmental staff committee in the development of the Request for Proposals, evaluation of the proposals, interviews with selected consultants, and the final consultant selection. The interdepartmental staff committee will perform these tasks through a series of meetings during normal business hours. A separate steering committee with additional Council member involvement will be developed to guide the project once the consultants have been selected and the planning work begins.

**Action:** The Council approved a motion to appoint Councilwoman Lee to work with staff in the consultant selection process for the Future Land Use and Community Character Plan.

**Motion by:** Villadsen

**Second by:** Berry

**Vote:** Unanimous

**9f. Avent Ferry Road Widening Project** - Mr. Siebenbrodt said in 2015, the Engineering Department secured federal grants for the design, right of way, and construction for the widening of Avent Ferry Road from the Bypass to Piney Grove-Wilbon Rd, now Ralph Stephens Road.

On Oct. 18, 2016, the contract in the amount of \$63,694.83 to Duke Energy was approved by Town Council and funding was approved in the amount of \$70,000 for utility relocation work along Avent Ferry Road.

Since the Duke contract approval, time was needed for construction drawing changes and right-of-way acquisitions. Last month, the Engineering Department reached out to Duke Energy to start on the relocation of its utilities and received a scope change request that resulted in a new proposed total estimate price of \$86,852.44, a \$23,157.61 increase compared to the previously agreed price.

This is due to an increase in Duke Energy supplier contracts because of increased rate structures. In 2017, the contracts increased approximately 3 to 5 % and in 2018, the contracts increased approximately 10 to 15%. The 2018 contracts were renewed contracts to extend time terms. Additionally, the Tax Cuts and Jobs Act signed by the Federal Government in December 2017 has changed the IRS code. This means the public good exception for federal income tax on contributions in aid to construction was eliminated from the IRS code.

Staff requests an additional \$23,157.61 in funding for the Duke Energy Relocation.

**Action:** The Council approved a motion to adopt a budget amendment to move \$23,157.61 from street reserves to the Avent Ferry Road widening project account for the increased cost of Duke Energy Progress utility relocation.

**Motion by:** Kelly

**Second by:** Lee

**Vote:** Unanimous

**9g. Appointments to Transportation Bond Project Committee** - Ms. Parrish said growth has placed a burden on our transportation network. As we have seen in the surrounding municipalities over the past 20 years, traffic and transportation improvements are an ever evolving tension between population growth which leads to increased traffic and the subsequent need for roadway improvement.

She said transportation planning and construction is a complex arrangement that involves the Town, NCDOT, the Capital Area Metropolitan Planning Organization, the Federal Highway Administration, and private developers. All of these organizations are constantly

evaluating transportation needs and mechanisms for improvement through long range planning and adoption of roadway plans.

Other than the taxes and fees paid by our citizens and developers, the Town does not receive any funding for road construction. This means that the Town has to be judicious with our efforts and we have to leverage our own funding with funding available from NCDOT and the Federal Highway Administration.

She recommended that a Transportation Committee be appointed to assist in the guidance of the upcoming 2018 Transportation Bond.

The Council suggested names for the committee and added that at the first meeting of the committee, names of citizens who might be appointed would be suggested. The Council will appoint those citizens later.

**Action:** The Council approved a motion to appoint Councilwoman Kelly and Councilman Villadsen to the Transportation Bond Steering Committee with Councilman O'Brien as an alternate. The motion also was to appoint Courtney Patterson and Ernie Carpico of the Planning Board and Chamber of Commerce Director Christine Quante to the committee, pending their agreement to serve.

**Motion by:** Berry

**Second by:** O'Brien

**Vote:** Unanimous

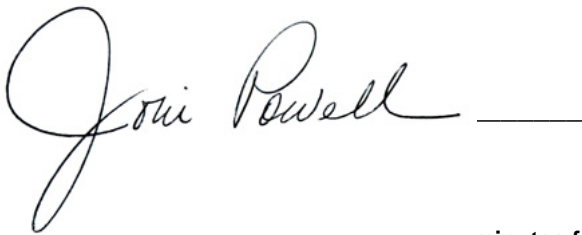
**10. Other Business:** None that resulted in Council action.

**11. Manager's Report:** Various reports were provided by Council members. Councilwoman Kelly asked that the Council consider creation of a social media policy to govern elected and appointed officials. Ms. Powell said she would gather any policies followed by other municipalities and share those and the policy for staff with Council members.

**12. Closed Session:** None.

**13. Adjournment:** There being no further business for the evening, the June 5, 2018 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, June 19, 2018.



minutes follow and are a part of the official

