



November 15, 2011

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Nov. 15, 2011 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 Jimmy Cobb, Chet VanFossen, Parrish Womble and Tim Sack and Councilwoman Linda Hunt Williams.

Council Members Absent: None.

Staff Members Present: Carl Dean, town manager; Chuck Simmons, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Linda Harper, deputy town clerk; Drew Holland, finance director; Len Bradley, director of parks and recreation; Elizabeth Goodson, development review engineer; Stephanie Sudano, director of engineering; Gina Clapp, director of planning and zoning; Mark Zawadski, planner I; Jenny Mizelle, director of economic development; Cecil Parker, fire chief; Jeff Wilson, information technology director; and Niki Litts, communications specialist.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Bishop Mark Savoldi of the Church of Jesus Christ of Latter Day Saints.

4. Agenda Adjustment: The Nov. 15, 2011 meeting agenda was adopted with changes, if any, as listed below.

Motion By: Sack

Second By: Cobb

Vote: Unanimous

Items added to Agenda: None.

Items removed from Consent Agenda: None.

Items removed from the 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: None.

6a. 11-DO-01, Village Homes at Raleigh Street – Mr. Zawadski said the Town has received a request for a new residential in-fill subdivision located within the Village District Area Plan (VDAP.) The project is located on 1.85 acres near the intersection of Raleigh Street and Earp Street. The project includes a total of 13 lots and an average lot size of 5,800 square feet that are proposed to front along Raleigh Street and Collins Street.

Mr. Zawadski said the development is proposed to be accessed from each street with a private alley system. The alleys would provide access to the rear-loaded garages as well as a centrally-located service area for mailboxes and trash collection. Street trees are proposed along Raleigh Street and Collins Street, and a bench is proposed on Raleigh Street in compliance with the VDAP.

Mr. Zawadski said the applicant is requesting development options, which would allow reductions in lot area, width, frontage and setbacks if minimum development and appearance standards are provided. This request is consistent with the VDAP residential land use designation that encourages a variety of higher density housing types.

The applicant also has requested a waiver of road improvements for Raleigh Street and Collins Street. For Raleigh Street, this would include the widening and curb and gutter along the frontage of the project that is needed to bring the cross-section to half of a 41-foot back to back on a 65-foot right-of-way with sidewalks. For Collins Street, this would include a small amount of widening and curb and gutter along the frontage of the project that is needed to bring the cross-section to half of a 27-foot back to back on a 51-foot right-of-way with sidewalks.

Councilman Sack asked about the required roadway and sidewalk improvements for Raleigh Street. He noted that the Town added sidewalk to the west side of Raleigh Street with no road widening; therefore, requiring this developer to provide road widening and sidewalk on the east side would be creating a sort of island of improvements with a sidewalk that leads nowhere.

Ms. Sudano explained that the ultimate width of Raleigh Street is 65 feet with sidewalk to be on both sides.

Kyle Granholm, 116 Flint Point Lane – Mr. Granholm said he was available to answer any questions.

Councilwoman Williams said she was trying to get an idea of how many people and how many cars would be impacting this area, so she asked about the sizes of the houses and garages.

Mr. Granholm said he had only conceptual designs at this point but he would envision two-car garages and two stories, and the designs of the homes would be in the 1,600 square foot range.

Councilman Sack asked if existing sewer services would be adequate.

Ms. Goodson said it was adequately sized but it would have to be extended.

Mr. Granholm said the needed extension of sewer is an additional cost to the project that prompts the applicant to request the road widening waiver.

Mayor Sears asked and Mrs. Goodson responded to a question about why staff is not recommending approval of the waiver for road widening.

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

Carrie Anders, 141 Raleigh Street – Ms. Anders said she does not believe the lots would be large enough to accommodate that many homes. She would be opposed to the development plan.

Julie Lambert, 137 Raleigh Street – She said she would be opposed to the development plan because it would place too many homes on her street. She said she thought fewer houses with smaller houses like hers would be more suitable.

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

Councilman Sack said the plan is in keeping with the Town's goals for creating more residents in the village district. He said he thought the road widening and sidewalk requirements would create an odd street scape and it is not likely that the nature of Raleigh and Collins Streets would change any time in the future so the improvements would be unnecessary.

Councilman VanFossen said he agreed.

Councilman VanFossen suggested a compromise that the developer install sidewalk just on Collins Street at the ultimate cross section, which would be dedicated but not widened.

Councilman Cobb said he was worried about setting a precedent and passing the cost along to a future generation for ultimate build-out of Raleigh Street.

Councilman Sack said he realizes Raleigh Street is on the Transportation Improvement Plan as a collector street with sidewalk on both sides; however, he does not feel that is realistic because of all the historic homes and buildings along Raleigh Street that would be impacted by widening and curb and gutter.

Mr. Dean agreed. He said perhaps the Council could create VDAP road standards. Staff, he said, is not in the position to recommend approval that would be at odds with the TIP. He said he thinks the Council should decide on a waiver and then this precedent would be the basis for a policy change.

Action #1: The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for a waiver of Unified Development Ordinance regulations in connection with Development Plan #11-DO-01 for Village Homes at Raleigh Street to allow for the waiver of road improvements and sidewalk as submitted by Spaulding and Norris, Project Number 720-11, dated Revised 10/28/11.

A petition for Waiver of Regulations of UDO Section 7.07 Street Design to allow for the use of development incentives may be granted only upon the presentation of sufficient evidence to enable a written determination that:

- 1) The granting of the waiver will not be detrimental to public safety, health or welfare or injurious to other property.
- 2) Conditions upon the request for a waiver are unique to the property for which a waiver is sought and are not applicable generally to other property.
- 3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is not carried out.
- 4) The waiver will not contravene the provisions of this UDO or the Comprehensive Plan.
- 5) Where the waiver impacts on the design, construction or maintenance obligations of public facilities, that the appropriate public agency has reviewed and approved the proposed development in writing and the subdivider has submitted a copy of such approval.

Motion By: Sack

Second By: Womble

Vote: The motion carried, following a 4-1 vote. Council members Womble, VanFossen, Sack and Williams voted for the motion. Councilman Cobb voted against the motion.

A copy of development plan 11-DO-01 addressing the findings of fact is attached to these minutes.

Action #2: Having made findings of fact that the project meets the requirements to be granted a waiver, the Council approved a motion to **approve** a waiver of regulations of UDO Section 7.07 Street Design to allow for a waiver of required road improvements and sidewalk on Raleigh Street; and of road improvements on Collins Street; but to require construction of sidewalk at the ultimate road right of way on Collins Street in conjunction with Development Plan #11-DO-01 for Village Homes at Raleigh Street as submitted by Spaulding and Norris, Project Number 720-11, dated Revised 10/28/11.

Motion By: Sack

Second By: Womble

Motion Amendment: Councilman VanFossen amended the motion, and Councilman Womble seconded the motion to amend, to include a provision that the Town require the developer at this time to dedicate to the Town the ultimate right of way on both Collins Street and Raleigh Street that might be needed in the future for road widening, curb and gutter and sidewalk.

Vote: Both the original motion and the amended motion carried following 4-1 votes. In each case, Council members Womble, VanFossen, Sack and Williams voted for the motions and Councilman Cobb voted against both motions.

Action #3: The Council approved a motion to approve Development Plan #11-DO-01 for Village Homes at Raleigh Street as submitted by Spaulding and Norris, Project Number 720-11, dated Revised 10/28/11 with the following conditions:

1. A fee-in-lieu of upgrade will be required for this project for the Bass Lake Pump Station and Force Main.
2. The following items are required with the 1st construction drawing submitted with this plan:
 - a. All items listed on the Stormwater Submittal Checklist, Form #16003,

- b. This project is located in a basin where the Town has an approved flood study. Accordingly, the Approved Remington Flood study will need evaluated with the first construction drawing submittal. If it is determined that the project will have an impact on the HecHms or the HecRas model the existing model will need to be revised to include this project. The Remington flood study will need to be updated to reflect this project and will need to demonstrate that development of the site will not raise established flood levels. Retention or detention may be required to accomplish this.
 - c. Provide minimum taper of 4:1 for Raleigh Street.
 - d. Entrances from Raleigh Street and Collins Street will need to be evaluated further on construction drawings if the road widening is not constructed. *(This condition can be removed if the Road Improvements are not required.)*
3. The following items are required prior to the approval of the 1st construction drawing for this plan:
- a. Payment of the Stormwater Fee-in-Lieu will be required
 - b. Approval of Stormwater Management Plan is required prior to issuance of a land disturbance permit or construction drawing approval.
 - 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 the preconstruction meeting and a maintenance surety in the form of a cash escrow account in the amount of 150% the actual construction cost of the BMP is required at the end of the performance monitoring period for the project.
4. The following items are required with the first plat associated with this subdivision:
- a. This subdivision will have a Home Owners Association that will be responsible for maintenance of: alleys, street trees, drainage easements, stormwater devices, etc. Recorded HOA covenants shall be provided.

Motion By: Sack

Second By: Womble

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 Councilwoman Cobb and a unanimous vote. The following actions were affected:

7a. Minutes – The Council approved minutes of the Council's regular meeting held Nov. 1, 2011.

7b. Budget Report – The Council received a monthly report of amendments to the FY 2011-12 budget approved by the town manager. *A copy of the budget amendment report is attached to these minutes.*

7c. Budget Amendment, \$9,450 – The Council adopted an amendment to the FY 2010-11 budget in the amount of \$9,450 to move IT line items for partial payment of the Town's Web site enhancements. *A copy of the budget amendment is attached to these minutes.*

8a. Community Organization Sign Concepts – Mr. Zawadski said the Town Council recently expressed interest in constructing a community organization sign within the Town limits. The sign would help to provide recognition for local chapters of national civic organizations that are active in the Holly Springs community. Funding for the sign was approved in the current year's budget. Staff has worked to develop two potential options for the community organization sign.

Option A would be located at the intersection of Ballentine Street and Avent Ferry Road, on the corner of the new Holly Springs United Methodist Church parking lot. This design is proposed to be approximately seven feet tall and constructed with stacked stone and stone block. The design includes space to accommodate six organization signs and also includes an opportunity to provide a public art piece. The overall design for this location is based on a

pedestrian scale due to slower traffic speeds and pedestrian circulation and is therefore smaller in size than option B.

Option B would be located at the intersection of G.B. Alford Highway and Main Street, on the northern corner that currently is vacant. This property is the current site of the existing green and gold gateway sign that was constructed in the early 2000s. The proposed design is approximately 11 feet tall constructed with stacked stone, stone block, and a decorative metal sign panel. The design includes space to accommodate 10 organization signs. In addition, the design includes refurbishing and integrating the existing gateway sign panel in the stone wall. The overall design for this location is based on a vehicular scale due to high traffic speeds and limited opportunities for pedestrian and is therefore larger in size compared to option A.

Councilman VanFossen said he would prefer and originally thought that the community organization signs would be incorporated into gateway features.

Councilwoman Williams said she felt that, regardless of how the Council directs the signs to go, that the community corner Option A also be done.

Councilman Womble said he likes Option B. Councilman VanFossen said he agreed.

Action: The Council approved a motion to select the Option B site with refined design concepts.

Motion By: VanFossen

Second By: Womble

Vote: The motion carried, following a 4-1 vote. Council members Cobb, Womble, VanFossen and Sack voted for the motion. Councilwoman Williams voted against the motion, saying it was because she is not convinced that is the best location.

8b. Condemnation Resolution – Mr. Schifano said as part of the construction of the Avent Ferry Road Fire Station, some minimal grading and utility work needs to be performed. At least one property owner has refused to allow the town to perform even minimal grading of what would be the right of way portion if Logging Road were a public street. It currently is a private drive ostensibly maintained by the homeowners in that subdivision; therefore, it is proposed that the town take over a portion of Logging Road and convert it to a public street for only the length of the town property, approximately 400 feet back.

He said this should be a benefit to all the landowners in the subdivision, as their interest in their land is merely an easement, with the exception of the first two property owners, who own in fee.

Councilman VanFossen asked if this means the Town would pave it and add curb and gutter.

Mr. Schifano said the condemnation would not make this determination but a next step would be deciding to pave this section.

Action: The Council approved a motion to adopt Resolution 11-40, a condemnation resolution for the acquisition of a portion of Logging Road at the intersection of Logging Road and Avent Ferry Road.

Motion By: Womble

Second By: Cobb

Vote: Unanimous

A copy of Resolution 11-40 is attached to these minutes.

8c. Twelve Oaks Subdivision Developer Agreement Extension – Mr. Schifano said the Twelve Oaks development currently has a lock on fees for a substantially reduced rate than what currently is charged other developers. This was negotiated in 2004 by the previous developer.

The fee lock expired by its terms in June of this year, and at the request of the developer it was extended by vote of the town council for 90 days. This was done to give the town and developer the opportunity to negotiate changes to the developer agreement.

That extension period has now expired and the town and current developer are in active negotiations for the extension of the developer agreement; however, it is unlikely that these negotiations will be completed prior to the end of the year, Mr. Schifano said.

It is staff's recommendation that the town council consider extending the 12 Oaks fee lock until December 31, 2011.

Action: The Council approved a motion to extend the fee lock for Twelve Oaks Subdivision until Dec. 31, 2011.

Motion By: Sack

Second By: Cobb

Vote: Unanimous

8d. Avent Ferry Road Fire Station Project – Mr. Schifano said that construction bids for the replacement fire station on Avent Ferry Road were opened recently. At the Nov. 1 Council meeting, the Council authorized staff to negotiate with the apparent low bidder, Modern South Construction. At agenda packet deadlines, negotiations continued in an effort to reduce the \$1.06 million cost further.

After negotiations and positive background investigations, staff recommends Modern South Construction.

Mr. Schifano said that much of the cost of construction would be covered by insurance proceeds and FEMA reimbursements received following damage to the original building in the April 16 tornado, and the remaining amount will have to be borrowed.

Action: The Council approved a motion to award a contract to Modern South Construction Company in the amount of \$1,095,520,¹ plus a construction contingency of 10% for a project amount of \$1,205,072.

Motion By: Womble

Second By: Sack

Vote: Unanimous

¹ Original base Bid amount was \$1,067,700. Town elected alternates and value engineering which resulted in a \$1,000 deduct from base bid. A \$24,820 Air Vac system was added as finished equipment.

8e. Bass Lake Road Sidewalk Project – Ms. Sudano said the Bass Lake sidewalk project, work has progressed toward the retreat center at the bottom end of the project. A need for a retaining wall has been determined due to the steep slope and grade for the sidewalk.

She said at agenda packet deadlines, the amount of this construction contract change had not yet been determined. It was presented at the Council meeting, along with a budget amendment using street reserve funds to pay the additional costs.

Action: The Council approved a motion to authorize the Town Manager to sign a change order on the Bass Lake Sidewalk Project in an amount not to exceed \$38,000 for a retaining wall, plus approval of an amendment to the FY 2011-12 budget in the amount of \$38,000.

Motion By: Womble

Second By: Cobb

Vote: Unanimous

8f. New Hill Place Development Agreement – Mr. Schifano said the New Hill Place regional shopping center is preparing for final approvals. The developer has asked for certain concessions from the Town given the extensive transportation improvements that will be required for the project. The terms of a developer agreement are still being worked out; however, the basic substance of the agreement would be as follows:

- Waiver of transportation fees and a pump station fee-in-lieu fee; and

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- Cost-sharing of a new main road, known currently on the plans as "Thoroughfare A," upon completion by the developer, through payment of \$50,000 per year for 20 years.

Mr. Dean introduced David George of Kite Realty who updated the Council on plans for New Hill Place.

Action: The Council approved a motion to approve New Hill Place developer agreement.

Motion By: VanFossen

Second By: Cobb

Vote: Unanimous

9. Other Business: Mayor Sears congratulated Councilman Tim Sack and Councilwoman-elect Cheri Lee for their recent elections. He also noted the other candidates, who he said conducted good campaigns.

Councilman Womble said the signs at Happy Holly's need to be moved because it looks bad.

Councilman Sack and Councilwoman Williams also welcomed Ms. Lee to the Council.

Councilwoman Williams asked about a crosswalk across West Holly Springs Road.

Mr. Dean said the safest way for pedestrians to cross is to follow the sidewalk down to the Main Street intersection.

10. Manager's Report: Mr. Dean informed Council members of upcoming dates of interest.

11. Closed Session: None

12. Adjournment: There being no further business for the evening, the Nov. 15, 2011 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman VanFossen, a second by Councilman Womble and a unanimous vote.

Respectfully Submitted on Tuesday, Dec. 20, 2011.



Joni Powell, MMC, Town Clerk

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

