

Holly Springs Town Council Minutes

Regular Meeting
Nov. 18, 2008

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Nov. 18, 2008, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Dick Sears presided, calling the meeting to order at 7:05 p.m. A quorum was established as the mayor and five council members were present as the meeting opened.

Council Members Present: Councilmen Vinnie DeBenedetto, Parrish Womble, Chet VanFossen, Tim Sack and Hank Dickson and Mayor Sears.

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; Laura Powell, planner I; Gina Clapp, director of planning and zoning; Jeff Jones, planner II; Kendra Parrish, senior engineer; Scott Brummond, IT technician; Stephanie Sudano, director of engineering; Elizabeth Goodson, development review engineer; Daniel Weeks, project analyst; Cecil Parker, fire chief; and Michelle D'Antoni, publication specialist.

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

4. Agenda Adjustment: The November 18, 2008 meeting agenda was adopted with changes, if any, as listed below.

Motion By: Sack

Second By: Womble

Vote: Unanimous

Items Added to the Agenda: Consideration of an amendment to the sign ordinance was added as Item 8b.; discussion of the parks and recreation committee was added as Item 8c.

Items Removed from the Agenda: None.

Consent Agenda Items Removed for Discussion: 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. Public Hearing: 06-DP-09-A03, Main Street Square Elements C, D and E – Ms. L. Powell explained that Elements C, D & E Main Street Square Planned Unit Development (PUD) are planned for multi-family, mixed use and commercial uses. She said the primary housing type permitted in this district, according to the PUD master plan, is multi-family apartments and mixed use with condos above commercial uses. The central location within the PUD is comprised within Elements C, D and E, the Neighborhood Center District. Overall, the central element within this PUD would provide services to the residents creating a pedestrian-friendly atmosphere and helping to cut down on the amount of vehicular traffic, she said.

Ms. Powell said the requested amendment is for revised building elevations and for buildings 2, 5, and 7 being located in elements C, D and E. The revised elevations show use of brick accents, headers and parapets as well as EIFS trim, canvas awnings and aluminum storefronts.

She said in addition to the architectural elevation revisions listed above, the applicant requests to amend the plan to increase the number of apartment units to 20; the restaurant square footage to 4,107; the amenity space is shown as 215 square feet; the reduction of office space to 18,307 square feet; the reduction of retail to 3,337 square feet; and the elimination of 16 condominiums and six live/work units.

Kevin Cochran, the applicant – Mr. Cochran addressed the Council to clarify the changes. He explained that the original plan called for office space over retail, but the market is not receptive to that. The office space is being changed to residential, to be located over retail, which is proven to be more successful in the market.

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded: None.

There being no comments, the public hearing was closed.

Action: The Council approved a motion to approve Development Plan Amendment #06-DP-09-A03 for Main Street Square Element C, D and E as submitted by Bass Nixon and Kennedy, Inc. Consulting Engineers, job number 04-08042 dated revised 09/26/2008 with the following conditions:

1. All previous conditions of approval for Main Street Square Element C, D and E shall apply to this plan.
2. The developer shall provide pedestrian connectivity in the rear parking lot behind Building 2; this shall be created utilizing the existing ADA pedestrian access point.

Motion By: Sack

Second By: Womble

Vote: Unanimous.

6b. Public Hearing: 07-DP-09-A01, Bridgewater Townhomes – Ms. Powell said this plan was last approved by Town Council Sept. 28, 2007. Since that approval, the developer decided to make some architectural changes to the plan as necessary to include an option of two-story units. The plan must be brought back to the Planning Board and Town Council due to the architectural elevation changes.

She said the revised front elevations of the townhouses are proposed to be constructed primarily of horizontal vinyl siding, shakes and stone. Other architectural elements include multiple building materials, standing seam metal roofs, shutters, façade modulation, roofline variation, decorative fencing and porticos. The side and rear elevations are proposed to be constructed with vinyl siding and shakes and include a horizontal band.

Brian Rieland, the applicant – Mr. Rieland addressed the Council and addressed questions about the “vertical siding.” He said the drawings appear to feature vertical siding, but it was supposed to be shakes, not vertical siding or board and batting.

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

Bill Rousseau, 128 S. Main Street – Mr. Rousseau owns a neighboring parcel and pointed out to the Council that the stubbed street on the plan stubs into his property which would cut his existing business in half. He said his primary concern was that thieves would be invited to use the isolated stub-out to steal lumber from his truss plant.

Mr. Rousseau said he is not against the development, but he is concerned about the stub. He said the applicant has removed part of the initial buffer berm and landscaping to make room for the stub. He asked that the Council give the applicant permission to leave the stub but to reinstall the berm and landscaping, even if it is on Mr. Rousseau's side of the line.

Mrs. Sudano suggested that the buffer could be reinstalled over the stub road to address Mr. Rousseau's concerns.

Mr. Rieland said he would rather cover the road than tear it out, but there is a manhole and a water valve. He said he would work with the town's engineering department to work out a solution to address Mr. Rousseau's concerns.

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

Action: The Council approved a motion to approve Development Plan Amendment #07-DP-09-A01 for Bridgewater Townhomes as submitted by Spaulding & Norris, PA, project number 629-06 dated revised 10/13/2008 with the following conditions:

1. All previously approved conditions shall still apply.
2. The applicant will work with the town's engineering department to reinstall the previous berm and landscaping in a way mutually agreeable to all parties.
3. The applicant shall submit revised elevations showing only shakes where vertical siding is depicted

Motion By: Sack

Second By: VanFossen

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 DeBenedetto, a second by Councilman Sack and a unanimous vote. The following actions were affected:

7a. Minutes – The Council approved minutes of the Council's regular meeting held on Sept. 16, 2008.

7b. Budget Report – The Council received reports of amendments to the FY 2008-09 budgets approved by the town manager. *A copy of the budget amendment report is incorporated into these minutes as an addendum page.*

7c. Budget Amendment, \$50 – The Council adopted an amendment to the FY 2008-09 budget in the amount of \$50 to accept a donation for the Cultural Center Business Expo. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

7d. Budget Amendment, \$6,985 – The Council adopted an amendment to the FY 2008-09 budget in the amount of \$6,985 to accept insurance proceeds for repairs for police vehicles. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

7e. Budget Amendment, \$3,515 – The Council adopted an amendment to the FY 2008-09 budget in the amount of \$3,515 to accept insurance proceeds for wastewater treatment plant water damage and vehicle damage. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

7f. Methodist Church Parking Lot Budget – The Council approved a preliminary project budget for Methodist Church parking lot project. *A copy of the project budget worksheet is incorporated into these minutes as an addendum page.*

7g. Utility Service Contract Amendment – The Council amended the maintenance contract with Utility Service to add the town's new reuse tank. *A copy of the amended contract is incorporated into these minutes as addendum pages.*

8a. Hunt Center Design Contract – Mr. Schifano suggested that the Council table action on this item since the original plan was for the remodel of the existing building, but now council direction has been given to pursue replacement of the building. He said the draft contract would need to be reworked in describing the scope of work.

Action: The Council approved a motion to table action on this item until the draft contract could be reworked to reflect new Council

directions.

Motion By: Womble

Second By: Sack

Vote: Unanimous.

8b. Sign Ordinance – Denise Wagoner explained that she is co-owner of The Jump Zone, an inflatable party place located on Premier Drive in the Holly Springs Business Park. She addressed the Council requesting that the town's sign ordinance be amended. She said for a variety of reasons, their business location is hard for customers to find.

One of the reasons, she said, was the town's ordinance prohibiting off-premise signs in the right of way. She said it would be helpful if the ordinance were amended to allow them.

Councilman VanFossen said he supports businesses but would rather come up with a more long-term solution, like a monument sign entrance to the business park.

Mr. Dean said the town is waiting on the additional two lanes of Green Oaks Parkway to be completed, about a year from now, before installation of a permanent sign.

Mr. Simmons said a temporary measure might be – due to the economic times – to allow directional signs with a sunset clause in a specific area. For instance, an ordinance to allow directional signs in the right of way for business park businesses until the business park monument sign is erected.

Mr. Shifano said he could craft an ordinance amendment to provide a permitting process with a sunset provision.

Ms. Sudano pointed out that the planned monument sign is proposed to be located at Irving Parkway and Green Oaks Parkway, not at G.B. Alford Highway. She said this is because NCDOT has jurisdiction of the right of way along the highway and was not amendable to a monument signs.

Mr. Dean said he would get with NCDOT officials to revisit the agency's restrictions. He said a sign is needed so motorists can find the business park from the bypass.

Direction: The town attorney is to craft an ordinance to allow off-premise signs for business park resident businesses for one year, with permits to be issued up until the year expires. Council also directed that the number of signs allowed should be limited.

8c. Parks and Recreation Committee – Councilman Dickson said there is one committee member, Shane Shird, who has been absent six out of 10 times during the year. Mr. Shird also exhibited unacceptable behavior at a recent meeting, Councilman Dickson said.

Councilman Dickson, who sits as an ex-officio member on the committee, said he would recommend the Council dismiss Mr. Shird from the committee and appoint a replacement.

Action: The Council approved a motion to dismiss Mr. Shane Shird from the Holly Springs Parks and Recreation Committee.

Motion By: Dickson

Second By: VanFossen

Vote: Unanimous

Of the two applicants on file for the parks committee, Mr. Kevin Adams had expressed continued interest over the past year. Mr. Adams lives outside the town limits in the town's extraterritorial jurisdiction.

Action: The Council approved a motion to appoint Kevin Adams to the vacant position on the Holly Springs Parks and Recreation Committee to fulfill a term that will expire on June 30, 2010.

Motion By: Dickson

Second By: Sack

Vote: Unanimous

9a. 08-MAS-01-A01, New Hill Place Schematic Master Plan – Ms. Goodson explained that action on this item was deferred at the Nov. 4 Council meeting at the request of staff.

Ms. Goodson said at the May 6, 2008 Town Council meeting, the Town Council voted to approve New Hill Place Master Plan (08-MAS-01) with several conditions of plan approval. One of the conditions of plan approval required that a transportation improvement plan be completed and come back before the Town Council for approval. With the review of this document, several of the previous conditions of plan approval have been satisfied so with the approval of this document as an amendment to the Master Plan, the motion will be updated to reflect the conditions that have been addressed.

She explained to the Council the conditions of plan approval listed below are revised from the original conditions with this approval. The items listed in underline reflect the items that have changed or have been added to the plan. All items still listed in plain text are exactly as they were in the original approval. Any items that have been addressed since the original approval have been removed.

Mr. David George, representing the applicant – Mr. George said he thinks the schematic addresses all concerns, and staff and the applicants are mutually amenable to it..

Action: The Council approved a motion to approve Preliminary Plan Amendment #08-MAS-01-A01 for New Hill Place Schematic Master Plan as submitted by Stantec Consulting Services, Inc. on October 28, 2008 with the following conditions:

[The following conditions of plan approval have been updated and will replace the previously stated conditions for New Hill Place Master Plan (08-MAS-01)]:

1. A detailed preliminary plan must be reviewed and approved by Staff prior to the first development plan submittal for each phase.
2. The following items are to be included with the first non-residential development plan submittal:
 - a. The location and design of the open space required per UDO § 3.08,B.,7.
 - b. Master Plan amendment that includes the following:
 - i) Detailed architectural and site design guidelines for the development.
 - ii) Master Sign Plan and sign waiver (waiver is optional).
3. New traffic signals are required to be Decorative Mono-curve Mast Arm signals (subject to NCDOT and/or Town approval depending on party responsible for maintenance) for this project with the exception of new signals for GB Alford Highway. Straight arm signals are permitted on GB Alford Highway.
4. The Town of Holly Springs' Green Oaks Parkway project is under construction and the Town will make modifications necessary to Green Oaks Parkway only up to the radius points on Green Oaks Parkway – to be compatible with the developer's superstreet design. All other improvements to install the superstreet will be the responsibility of the developer (including any environmental permits necessary to complete the improvements).
5. A fee-in-lieu of upgrade will be required for this project for the downstream oversized Twelve Oaks Pump Station, Force Main and Outfall.
6. Reimbursement of the cost of gravity sewer line upsizing through Forest Springs will be required for this project as memorialized in a letter from the developer.
7. This project and all related development plans will be required to meet the new Town of Holly Springs Post Construction Stormwater Ordinance.
8. If the downstream offsite sewer lines associated with Forest Springs development are not constructed at the time of the first construction drawing approval associated with this plan, the construction of those lines will be the responsibility of the developer with this project. Note that the developer will be requesting assistance from the Town with land acquisition via a developer's agreement.
9. The following items are required with each development plan associated with this Master Plan:
 - a. An Industrial Sewer Permit Short Form
 - b. A Grease Trap Form
 - c. Update the draft flood study update for the downstream Forest Springs Flood Study and demonstrate that the development of each internal site will not raise established flood levels.
 - d. The site plan must show that no building area is located within a BMP easement.
10. The following items are required with the first development plan or construction drawing associated with this Master Plan: A detailed engineer's sealed hydraulic waterline system analysis documenting fire flow in accordance with Town Standards is required for this project. Additional waterline connections may be required upon approval of the report by the Town. Any revisions to waterlines shown on this plan will require an amendment to be submitted by the developer for review and approval. *(The Hydraulic Analysis has been received and is under review)*
11. The following items are required with the first construction drawing submittal associated with this Master Plan: This project is located in an area that is subject to the Town's policy on flood studies. It is located in a basin where the Town has an approved flood study (Forest Springs) that 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.
12. The following items are required prior to the 1st construction drawing approval (with the exception of the Green Oaks Parkway Superstreet) associated with New Hill Place (clarification provided to this condition):
 - a. Off site sewer easements for each phase as shown on the Master Plan (2 phases, 3 off site sewer lines) must be recorded prior to the first construction drawing approval that occurs in each phase.
 - b. All environmental permits must be approved and submitted for the entire project prior to first construction drawing approval (with the exception of the GOP superstreet) associated with New Hill Place.
 - c. Offsite right-of-way dedication will be required to be recorded for required transportation improvements for the whole project.
13. The following items are required prior to the construction drawing approval for each phase:
 - a. An Environmental Development Permit will be required
 - b. This project will be required to meet the Town's new TN requirements for stormwater and pay a stormwater fee-in-lieu for any TN reduction requirements not met on the site. The Final Stormwater Management Plan must be approved and stormwater fee-in-lieu paid.
14. The following conditions represent requirements associated with the Transportation Improvement Plan:
 - a. Documentation provided to the Town of Holly Springs of NCDOT's approval of the TIA.
 - b. Right-of-way needed for all required road improvements must be secured by the developer and documentation provided to the Town. This will likely include areas along superstreet bulb outs, the interchange, New Hill Road and Old Holly Springs/Apex Road.
 - c. The access points shown on the TIA do not match the Master Plan. The master plan will need to be revised to address this item through a minor amendment prior to the Subdivision Plan approval.
 - d. Provide documentation of all NCDOT approvals including driveway access, superstreets, control of access break, TIA, etc.
 - e. The ROW/access break secured from NCDOT ROW Access Committee for this project must include a C/A break for an extension of a thoroughfare east of GB Alford Highway, including all payments to NCDOT required for a future thoroughfare connecting to this point.
 - f. The overpass bridge and approaches will be designed and constructed in a manner such that future expansion of the bridge can

accommodate pedestrian traffic.

- g. The superstreet must be designed on GB Alford highway at any of the at grade crossing (New Hill Rod and Green Oaks Parkway) to accommodate future pedestrian refuge which meets current NCDOT standards.

15. Provide revised Transportation Improvement Plans within 10 days of approval addressing the following comments:

- a. Show sidewalk on both sides of the new Thoroughfare and note that the sidewalk shall be constructed at the time of each phase.
b. Clarify the phasing of proposed road improvements.

Motion By: VanFossen

Second By: Womble

Vote: Unanimous.

10. Other Business: Councilman Womble asked when the credit union was opening. Mr. Dean said the new date is Nov. 19.

Councilman Sack asked if there was a way to update information about Holly Springs with MapQuest and GIS services. Mrs. Clapp said she understands that the data is collected from Wake County periodically, but the question is how often that is done.

Councilman Sack asked that a sign be placed on Middle Creek Farm Road at Holly Springs Road to keep people from trying to use it to get anywhere. Middle Creek Farm Road leads only to a single residential property.

Councilman Sack complimented the Public Works Department for a quick and clean job of removing sycamores in Sunset Ridge North where the street trees were damaging sidewalks.

11. Manager's Report: None.

12. Closed Session: None.

13. Adjournment: There being no further business for the evening, the November 18, 2008 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, Jan. 6, 2008.

Joni Powell, CMC, Town Clerk

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