

Holly Springs Town Council Minutes

Regular Meeting Oct. 2, 2007

The Holly Springs Town Council met in regular session on Tuesday, Oct. 2, 2007, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Dick 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: Councilmen Vinnie DeBenedetto, Parrish Womble, Chet VanFossen, Peter Atwell 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, (recording the minutes); town clerk; Daniel Weeks, project analyst; Drew Holland, finance director; Mark Zawadski, planner I; Alison Huffman, planner I; Jeff Jones, Planner II; Stephanie Sudano, director of engineering; Kendra Stephenson, senior engineer; Elizabeth Goodson, development review engineer; Len Bradley, parks and recreation director; Eric Tayler, IT manager; and Mark Andrews, public information officer.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an inspirational story about drought and being thankful for rain by Rabbi Ederly of Temple Beth Shalom.

4. Agenda Adjustment: The Oct. 2, 2007 meeting agenda was adopted with changes, if any, as listed below.

Motion By: Dickson

Second By: Womble

Vote: Unanimous

Items Added to the Agenda: Amendments to the FY 2007-08 budget in the amount of \$115,000 to complete construction of restrooms at the Hunt Center gymnasium were added to the Consent Agenda.

Items Removed from the Agenda: None.

Consent Agenda Items Moved to New Business: 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.

6. Landscaping Donation – Mr. Bradley said that recently the Parks and Recreation Department was contacted by Ellen Macri who envisioned a memorial honoring those who lost their lives during the Sept. 11, 2001 terrorist attacks. A location at Womble Park was designated for the site that could be landscaped with plant materials and a plaque honoring those who died on that day.

Mr. Bradley said that the memorial would be a nice addition to the park. He said Ms. Macri has offered to contribute all costs for the installation of the plants and memorial. He asked the Council to accept this offer and allow it to be put in place during the fall planting season.

Action: The Council approved a motion to accept a contribution of landscaping plants and a plaque for a 9/11 memorial at Womble Park.

Motion By: Atwell

Second By: Womble

Vote: Unanimous

7a. Public Hearing: National Pollutant Discharge Elimination System (NPDES), Phase II Ordinance – Ms. Keefer explained that the public hearing remains open for the Town of Holly Springs National Pollutant Discharge Elimination System Stormwater Ordinance. She updated the Council about changes made to the draft ordinance as a result of the Aug. 21 Town Council meeting and the Aug. 30 stakeholder meeting. She reported that the final draft of the ordinance will be brought back to the Town Council on Nov. 6 for consideration.

Ms. Keefer noted that changes that have been made to the draft ordinance include:

- Grandfathering has been clarified and will apply to all development and redevelopment projects for which one or more of the following have been submitted as complete petitions and remain active in the development review process or approved by the Town prior to the effective date of this ordinance (and otherwise valid pursuant to the Town of Holly Springs Unified Development Ordinance ("UDO"): Major residential subdivision plan, master plan, development plan, special exception use and Planned Unit Development (PUD) master plan. These projects shall be exempt from complying with all provisions of this ordinance dealing with the control and/or management of post-construction runoff,

but shall be required to comply with all other applicable provisions. *Note that this level of authority for grandfathering was only recently confirmed with the Division of Water Quality.*

- Single-family residential development that cumulatively disturbs one acre or less and is not part of a larger common plan of development or sale can be exempt from portions of the ordinance, provided that they utilize nonstructural Best Management Practices (BMPs) as outlined in the Design Manual.
- Nitrogen fee-in-lieu payments will be available as a tool to meet performance standards outlined in the Design Manual. *Note that this authority was also only just recently confirmed and that it is a key and critical component of our ordinance to have this authority.*
- Effective date of the Ordinance changed to Nov. 6, 2007 to allow for changes to be finalized and receive comment from Council at Oct. 2 meeting.

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

Action: None.

7b. Public Hearing: Community Development Building Grant Funds – Mr. Weeks said the public is being provided an opportunity to comment on the transfer of \$10,000 in the L-1 (local option) line item of the Town's 2006 CDBG Scattered Site Housing Grant to the C-1 (main portion of the budget) allocation. L-1 represents the "local option" portion, which can be used for emergency repairs for qualified individuals. The town is proposing to transfer these funds for the rehabilitation of Ms. Utley's home at 332 Bass Lake Road. This will help ensure that Ms. Utley's home is substantially repaired in accordance with current building standards.

He said the Town conducted a study that compared the rehabilitation costs of Ms. Utley's home versus the construction of a comparable new home. The result, with which the Division of Community Assistance agrees, is that the substantial rehabilitation is a more financially sound approach than any other alternative.

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

Action: The Council approved a motion to eliminate L-1 activities of the 2006 CDBG SSH grant and utilize these funds for C-1 activities.

Motion By: Atwell

Second By: DeBenedetto

Vote: Unanimous.

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

8a. Minutes - The Council approved minutes of the Council's regular meetings held in August, 2007 as corrected.

8b. Budget Amendment – Amendments to the FY 2007-08 budget in the amount of \$115,000 to complete construction of restrooms at the Hunt Center gymnasium was adopted. *Copies of the budget amendments are incorporated into these minutes as addendum pages.*

9. Development Plan 07-DP-13, Townes at Arbor Creek – Ms. Huffman said Development Plan 07-DP-13 was brought to the Town Council on Sept. 18 for consideration, and action on the application was deferred until such time as the applicant would be available to field questions from the Council, particularly about the proposed vinyl siding and front-loaded garages.

She said the Townes at Arbor Creek is one of the last parcels in the Arbor Creek Planned Unit Development that has not been developed.

Ms. Huffman said in the PUD document, the parcel is designated as mixed use/townhomes. The applicant is asking for 19 townhome units to be placed on the 2.12 acres. The Arbor Creek PUD Master Plan does not provide any specific development regulations for townhome projects; therefore, the site plan is to be in conformance with the Town's UDO Section 2.06, R-MF-8 regulations.

The PUD does specify perimeter buffer requirements, so the Sunset Lake Road and eastern property line landscape areas are designed to the PUD regulations, not to the Town's typical landscape criteria. The Town's ordinance would require the thoroughfare buffer along Sunset Lake Road to be a 50-foot buffer instead of a 40-foot buffer.

Ms. Huffman summarized questions the Council had on Sept. 18:

1. Is the exterior material vinyl siding? **Hardiplank is planned.**
2. Roof Vents: Where are they located? What color are they? **This will depend on the builders.**
3. Driveway Length: Is there enough room for multiple cars? **One car in the garage and 2 in the driveway.**
4. Why was the current layout chosen? Why not face units toward Sunset Lake Road and have alley access? **Site is too small.**
5. Is there modulation on the rear of the units? **No modulation is planned beyond the screened porches.**

Jerry Edens, the applicant, addressed the Council to answer their questions. His answers are included in bold above.

Councilman VanFossen said he is concerned that there is no modulation along Sunset Lake Road.

Councilman Atwell said he agreed about the building elevations although he had no problems with the site plan.

Mr. Edens said he had no problem with staggering the units as a condition of approval.

Councilman VanFossen suggested staggering and architectural features to make the rear elevations facing Sunset Lake Road more appealing.

Councilman VanFossen then asked about guest parking. Ms. Huffman explained that the site plan is in compliance with ordinances.

Councilman Dickson said he still would much prefer an alleyway design, although he understands the limits posed by the size of the site.

Action: The Council approved a motion to approve Development Plan #07-DP-13 for The Townes at Arbor Creek as submitted by Edens Engineering, PC project number 07-DP-13, dated revised July 30, 2007 with the following conditions:

1. Fee-in-lieu of pump station upgrade will be required
2. The Middle Creek Interceptor fee-in-lieu will be required.
3. The following items are to be included with 1st construction drawing submittal (later in the approval process):
 - a. A comprehensive drainage area map and supporting calculations.
 - b. All environmental permits for the entire project will be required.
4. Prior to construction drawing approval, the following items will need to be addressed:
 - a. A street lighting plan for Sunset Lake Road and Firefly Road.
 - b. Owner or owner's predecessor in interest shall dedicate sewer line and easement along Fairford Drive (rear of lots 58-67) downstream of this project.
5. Hardiplank siding is to be used.
6. Unit modulation of 2 feet at the rear of units will be designed and elevations will be brought back to staff for approval.

Motion By: DeBenedetto

Second By: Atwell

Vote: The motion carried following a 4-1 vote. Councilmen DeBenedetto, Womble, VanFossen and Atwell voted for the motion.

Councilman Dickson voted against the motion

10a. Main Street Enhancement Project Design Options – Ms. Stephenson said at two town council meetings ago, staff was directed by the Council to redesign the proposed Main Street Enhancement Improvements project to incorporate a chicane and/or median, wider sidewalks, and parallel parking where feasible.

She said based upon the direction given, staff completed two alternate designs for the Council to consider. Once the decision is made, she said, staff will revise and update the project schedule.

Councilman DeBenedetto asked if there was a cost difference between the two options presented.

Ms. Stephenson said Option B would be about \$50,000 more than Option A.

Councilman VanFossen said he is disappointed because he feels the sidewalk is not adequate on either option.

Councilman Atwell said he, too, was not enthusiastic over either of the options presented.

Councilman Womble proposed a motion to go with Option A with the elimination of a few of the first angled parking spaces on Center Street. The motion failed, following a 3-2 vote. **Action:** The Council approved a motion to direct staff to pursue Option B with the elimination of the first few angled parking spaces on Center Street.

Motion By: Womble

Second By: Dickson

Councilman VanFossen said he did not like either plan, and Councilman Atwell asked him if he had any suggestions. Councilman VanFossen asked why sidewalk widening was not possible in front of the Village Office Condos.

Ms. Stephenson explained that the grade change poses a problem.

Councilman VanFossen maintained that he felt that if the town is going to spend so much money, then the design should be right within the physical constraints of the site.

Mr. Dean asked if the Council wanted to schedule the topic for a workshop.

Councilman Atwell said he would be willing to do so unless a decision could be reached.

Councilman VanFossen asked if the closing of a segment of Raleigh Street, a concept that has been bantered about in the past few years, could figure in to the project and facilitate the shift of the design features south.

Councilman Dickson withdrew his second to the motion on the table so that discussion could continue.

Councilman Atwell asked if the extension of the landscaped area at the edge of the Baptist Church on Option B would not provide the wider sidewalks at VOC as Councilman VanFossen asks. The shift in traffic would be facilitated not by median or chicane but by striping and the location of the sidewalks.

Engineering staff said they would research but felt it might work.

Councilman Atwell also suggested meandering sidewalk instead of a sidewalk straight through the landscaped area.

Action: The Council approved a motion to direct staff to pursue Option B with parallel parking on Center Street, losing the first few spots to allow for easier access; extending the landscaped and sidewalk area further south down Main Street as far as possible and adding elements like a meandering sidewalk; and wider sidewalk on Center street because parking would be parallel instead of angled.

Motion By: Atwell

Second By: Dickson

Vote: The motion carried following a 3-2 vote. Councilmen Womble, Atwell and Dickson voted for the motion. Councilmen DeBenedetto and VanFossen voted against.

10b. Gable Ridge Culvert Bids – Ms. Stephenson said per Council's last request staff pursued a localized repair of the damaged section of a 72-inch corrugated metal pipe on Gable Ridge Lane. Engineered construction drawings and construction specifications were provided, and an informal bid was solicited.

She said three contractors were solicited, and only one responded. The contract amount is within the engineer's opinion of cost, and the design engineer has submitted a recommendation for award.

Action: The Council approved a motion to enter a construction contract with Ultraliner in the amount of \$32,400, which includes contingency, in a form satisfactory to the town manager and town attorney and to adopt a related budget amendment covering the cost.

Motion By: VanFossen

Second By: Atwell

Vote: Unanimous.

A copy of the budget amendment is incorporated into these minutes as an addendum pages.

10c. Utley Wastewater Treatment Plant Expansion – Ms. Sudano said staff and consultants have been working for the past couple of years on the design of an expansion of the Town's Utley Creek Wastewater Treatment Plant. Bids were received last week, and it is anticipated that they will be presented at the Oct. 16 Town Council meeting.

Ms. Sudano said the administration services proposal is for full-time construction inspection and administration services, including geotechnical and testing, for the project, which will have an approximate duration of 24 to 30 months. The scope of services still is being fine tuned, and the final amount of the proposal may change accordingly; however, the current proposal is for \$858,000.

She added that Davis Martin Powell (DMP), the engineer, was one of the two principal design engineers on the project during design and permitting phases.

Action: The Council approved a motion to authorize preparation of a project budget and to enter a professional services agreement with Davis Martin Powell in an amount not to exceed \$900,900, inclusive of contingency, for construction administration services on the WWTP expansion project.

Motion By: Atwell

Second By: VanFossen

Vote: Unanimous.

A copy of the DMP contract is incorporated into these minutes as addendum pages.

10d. Development Plan 07-DP-17, 128 Raleigh Street – Mr. Zawadski said the Town has received a request for a development plan for 0.65 acres of property located at 128 Raleigh Street. The proposal is to convert the existing residential structure and enclose the attached carport into a commercial office that would total 1,210 square feet. The site would be accessed by a new driveway off of Raleigh Street and the existing driveway would be removed. A total of four parking spaces that includes 1 handicap space are proposed.

A parking waiver is being requested to allow all of the parking to be located in front of the building.

He said the existing carport currently is located within the required 20-foot buffer yard, and enclosing the structure would increase the nonconformity; therefore, a variance was requested and approved by the Board of Adjustment on August 14, 2007 to allow for a reduction in the required side buffer yard so that the existing carport could be enclosed.

Mr. Zawadski said the building is proposed to be painted pewter gray with off-white trim, and the existing attached carport is proposed to be enclosed. The front door would be painted black, and new shutters would be installed. The existing portico is proposed to be extended and would incorporate a handicap ramp that would connect to the parking lot.

With this project, the applicant is requesting two exceptions to the Engineering Design and Construction Standards. The first is for construction of road improvements. The applicant is requesting that, due to the nature of this project, that the construction of road improvements not be required along the frontage of the property. With similar projects (residential conversions to business) an exception has been granted by Town Council to allow a fee-in-lieu of road improvements to include the fee associated with constructing sidewalk only in lieu of constructing road improvements and sidewalk along the frontage of the property.

Councilman VanFossen reported that the project had been before the TRC on the afternoon of Oct. 2. He said the applicant was requesting waivers and exceptions exactly as other addresses on Raleigh Street had requested.

The TRC recommends approval, Councilman VanFossen said, adding that the TRC supports the exceptions related to the property's conversion from residential to business use, including not requiring road improvements, instead accepting a fee-in-lieu for the cost of sidewalk improvements; and not requiring curb and gutter in the parking lot, which the applicant is also seeking.

Due to the nature of this project, Engineering staff is in support of these exceptions.

Action #1: The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for Development Petition #07-DP-17 for 128 Raleigh Street to allow for a waiver of the off-street parking regulations as submitted by Thompson and Associates, project number LJONES, dated revised 8/27/2007.

Waiver of Off-Street Parking Regulations Findings of Fact:

1. A parking demand study completed by a third party that provides evidence regarding:

- a. Peak usage estimates based on reliable data collected from comparable uses located within the same or similar market areas as the Town of Holly Springs. Comparable uses will be determined based on density, scale, bulk, area, type of activity,

- and location; and,
 - b. Number of employees on the largest shift; and,
 - c. Minimum number of spaces needed to meet the parking demand for the specific use; and,
2. The granting of a waiver will not cause negative impacts on the environment or adjacent properties without the necessity of including mitigating elements such as additional screening, pervious pavement, shared parking, rain gardens, or that such elements are provided under the plan to the extent necessary to lessen the effects of any negative impacts; and,
 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: Dickson

Second By: DeBenedetto

Vote: Unanimous

Action #2: Having made findings of fact that the project meets the requirements to be granted a waiver of UDO Section 7.04 E.,3., the Council approved a motion to grant a waiver for #07-DP-17, to allow all of the parking to be placed between the front building line and front property line for 128 Raleigh Street, as submitted by Jason Galarneau, project number: LJONES, dated revised 8/27/2007.

Motion By: Dickson

Second By: Womble

Vote: Atwell against

Action #3: The Council approved a motion to approve an exception to the Engineering Design and Construction Standards Section 3.02 and UDO Section 7.07-B14 in association with Development Petition #07-DP-17 for 128 Raleigh Street to accept a fee-in-lieu of road improvements (for sidewalk only) along Raleigh Street as required by the Engineering Design and Construction Standards and UDO as submitted by Thompson and Associates, project number LJONES, dated revised 8/27/2007.

Motion By: Dickson

Second By: DeBenedetto

Vote: Unanimous

Action #4: The Council approved a motion to approve an exception to the Engineering Design and Construction Standards Section 3.02 in association with Development Petition #07-DP-17 for 128 Raleigh Street to waive curb and gutter for the parking lot as required by the Engineering Design and Construction Standards as submitted by Thompson and Associates, project number LJONES, dated revised 8/27/2007.

Motion By: Dickson

Second By: DeBenedetto

Vote: Unanimous

Action #5: The Council approved a motion to approve Development Plan #07-DP-17 for 128 Raleigh Street as submitted by Thompson and Associates, project number LJONES, dated revised 8/27/2007 with the following conditions:

1. The following items are to be included with 1st construction drawing submittal (later in the approval process):
 - a. A comprehensive drainage area map and supporting calculations
2. Provide revised plans within 10 days of Town Council approval (unless approved by TC otherwise) that include the following:
 - a. Curb and gutter and storm drainage (schematic at this stage) for the parking lot.
 - b. Roadway improvements in accordance with Town standards (show proposed back-to-back, right-of-way and sidewalk dimensions) for Raleigh Street – half of a 41'btb on 65' ROW. *The request to not construct the road improvements at this time but pay a fee-in-lieu was considered and approved by the Town Council.*

Motion By: Dickson

Second By: DeBenedetto

Vote: Unanimous

11. Other Business: Councilman Womble proposed a motion that the Town explore purchasing property to bank for future school sites for Wake County Public School System. He said it might be better to purchase property today at today's prices rather than in the future. He added that when the land is purchased by WCPSS, it is with the agreement that Holly Springs children will always be given first priority in going to these schools.

Councilman DeBenedetto offered a second to the motion.

Much discussion followed among Council member as to the appropriateness of adding items of business to the agenda without going through procedures that have been adopted by the Council for doing so. Council procedures state that a majority vote of those present is needed to add a topic to the agenda that is not already on it.

Councilman Atwell asked the Mayor to put a stop to what he perceives as campaigning during Council meetings. He added that putting an item on the agenda should go through procedures that have been adopted by the Council.

Councilman Dickson said he feels that it is a disservice to citizens to not follow procedures.

There was no vote on the motion.

Councilman VanFossen provided a report on the afternoon's Technical Review Committee meeting.

12. Manager's Report: Mr. Dean reported to the Council on upcoming dates of interest. He then explained in response to citizen email inquiries how decisions were made regarding parking at Veterans Park.

Councilman Dickson said he would like to talk to Mr. Dean further about options for parking at Veterans Park because his recollection of the May 15 meeting was in regard to demolition of the building with replacement with a picnic shelter and not the parking.

13. Closed Session: None.

14. Adjournment: There being no further business for the evening, the Oct. 2, 2007 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Atwell, a second by Councilman Dickson and a unanimous vote.

Respectfully Submitted on Tuesday, Nov. 20, 2007.

Joni Powell, CMC, Town Clerk

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