



Holly Springs Town Council
Regular Meeting

Jan. 15, 2013

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Jan. 15, 2013 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 and Councilmen James Cobb, Chet VanFossen, and Tim Sack and Councilwomen Linda Hunt Williams and Cheri Lee.

Council Members Absent: None.

Staff Members Present: Carl Dean, town manager; Chuck Simmons, assistant town manager; John Schifano, town attorney; Linda Harper, deputy town clerk, (recording the minutes;); Gina Clapp, director of planning and zoning; Jeff Wilson, information technology director; Drew Holland, budget manager; Len Bradley, parks and recreation director; Leroy Smith, fire chief; Niki Litts, communication specialist; Stephanie Sudano, director of engineering; and Heather Keefer, environmental specialist.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Brent Rector of Woodhaven Baptist Church.

4. Agenda Adjustment: The Jan. 15, 2013 meeting agenda was adopted with changes, if any, as listed below.

Motion By: Sack

Second By: Cobb

Vote: Unanimous

Items added to Agenda as New Business: None.

Items removed from 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:

Parrish Womble of 114 W. Hickory Street invited the Council Members and the citizens of Holly Springs to Martin Luther King, Jr. Annual Holiday Celebration on Sunday, January 20th, the march starts at 2:45 p.m. in the Oakhall Shopping Center and end at Holly Springs Cultural Center. He said there will guess speakers, music and dance ensemble featuring the Holly Springs School of Dance.

Mr. Womble also requested the town manager to look into street repairs to the corner of Earp and Main Street.

6a. Holly Springs Arts Council - Ms. Brenda Priest, president of the Holly Springs Arts Council said the First Annual Community Arts Festival is a collaborative event between the Holly Springs Cultural Center and the Holly Springs Arts Council, week of February 5-9, 2013. The Festival will:

- showcase local artists, writers and performers
- help adults and children try out new forms of art
- discover new teachers and classes
- connect collectors with local talented artists

She said the week will culminate with our first fundraising Gala Evening and Art Raffle, from 6 p.m. to 9 p.m., on Feb. 9th. The entertainment/performance will be Holly Springs' resident wire artist, Jonathan Daniels.

Ms. Priest invited town staff and the Councilmembers to participate in the week's events and attend the Arts Council ribbon cutting at 11:30 a.m. to 1 p.m. on Feb. 6 at the Cultural Center.

Action: No Action.

6b. Operation Coming Home Project - Mr. Phillip Squires of Royal Homes Builders explained they are participating in a program called Operation Coming Home that provides a home at no cost to a disabled American combat veteran. This is made possible by private and public partnerships that share in the costs of the project so that the home comes at no cost to the veteran.

Mr. Squires asked that the Town Council consider granting a waiver of all fees, deposits and utility connection costs associated with the construction of a new home for this project, an approximately 2,500 square foot home to be located on Lot 128 of Forest Springs subdivision. Mr. Squires estimates this amount to be in the neighborhood of \$12,500. The Code Enforcement and Engineering Departments have no objections if the Council were to provide these fee waivers.

He said this is the fifth Operation Coming Home house that has been provided in this area over the past few years. Two were built in Fuquay-Varina (which waived all fees) and two in Harnett County. The veteran to receive the house is selected by the Operation Coming Home program, and the recipient for the Holly Springs project has been determined.

He said that building inspections still would be done for this project. The waiver would include all fees, including water meter deposit upon completion of the home

Action: The Council approved a motion to waive any and all fees, costs and deposits associated with the construction and initial occupation of a new home on Lot 128 Forest Springs subdivision being provided by Operation Coming Home to a disabled American veteran.

Motion By: VanFossen

Second By: Williams

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

7a. Minutes - The Council approved minutes of the Council's special and regular meetings held July 17, 2012.

7b. Budget Amendment Report - The Council received monthly report of amendments to the FY 2012-13 budget approved by the town manager. *A copy of the budget amendment report is attached to these minutes.*

7c. Resolution 13.01 - The Council adopted Resolution 13-01 to direct town clerk to investigate the sufficiency of annexation petition A13-01 and setting a public hearing on the question of annexation for Tuesday, Feb. 5, 2013. *A copy of Resolution 13-01 is attached to these minutes.*

7d. Resolution 13.02 - The Council adopted Resolution 13-02 to direct town clerk to investigate the sufficiency of annexation petition A13-02 and setting a public hearing on the question of annexation for Tuesday, Feb. 5, 2013. *A copy of Resolution 13-02 is attached to these minutes.*

7e. Resolution 13-03 - The Council adopted Resolution 13-03 Resolution 13-03 declaring certain personal property surplus to the needs of the town. *A copy of Resolution 13-03 is attached to these minutes.*

7f. Budget Amendment, \$2,000 - The Council adopted an amendment to the FY 2012-13 budget in the amount of \$2,000 to use economic development sponsorship funds from the prior

year for current year work. *A copy of the budget amendment is attached to these minutes.*

7g. Quarterly Financial Report - The Council received financial report of the quarter ending Dec. 31, 2012. *A copy of the quarterly financial report is attached to these minutes.*

8a. Jefferson L. Sugg Park Master Plan Contract - Mr. Bradley said that in August 2012 staff interviewed 16 consultants to undertake the design of the master plan the Sugg Farm property. He said the consultant committee selected Alta Greenways to master plan the Sugg property after the purchase was complete.

He said in recent weeks, the Town closed on the purchase and staff recommends approval to enter into a contract with Alta Greenways in the amount of \$79,422 to create a master plan for the property.

Councilman Cobb asked if the plan review process will be similar of the Mims project.

Mr. Bradley said the process will be same as the Mims project.

Action #1: The Council approved a motion to adopt an amendment to the FY 2012-13 budget in the amount of \$79,425 to amend the Project Fund for the Jefferson L. Sugg Park project.

Motion By: Sack

Second By: Cobb

Vote: Unanimous

A copy of the budget amendment is attached to these minutes.

Action #2: The Council approved a motion to enter into a contract with Alta Greenways in the amount of \$79,422 for the master planning of the Jefferson L. Sugg Park project.

Motion By: Cobb

Second By: Sack

Vote: Unanimous

8b. Bass Lake Outfall Greenway Waiver - Ms. Heather Keefer said the town is requesting a waiver to the Bass Lake buffer to allow construction of the Bass Lake Outfall Greenway in the Town's 100-foot undisturbed Bass Lake Buffer, UDO Section 7.06 D, 4, e., (1).

Ms. Keefer explained to the Council Members the following:

- The Town's Bass Lake buffer rules require a 100-foot undisturbed buffer to be provided on both sides of perennial streams that drain to Bass Lake.
- The Bass Lake Outfall Greenway Project has requested a waiver to the Bass Lake Buffer Rules UDO Section 7.06 D, 4, e., (1), to impact to the Bass Lake buffer for the construction of an asphalt greenway trail in the Bass Lake buffer within the Town's existing sanitary sewer outfall.
- The greenway trail will provide safe pedestrian and bicycle alternative connection between Parrish Womble Park to the existing greenway network at the Bass Lake Park and Retreat Center.
- The 10-foot wide asphalt trail will allow the public the opportunity to enjoy the natural resources in the area and provide greater access to existing parks and greenways.
- The areas within the 30-foot easement not constructed as part of the trail will be grassed to provide filtration of the surrounding runoff prior to stormwater runoff entering into the stream.
- The applicant will be required to obtain permits from the US Army Corps of Engineers and the NC Division of Water Quality for impacts to streams, wetlands and the State regulated Neuse River Buffer.
- This buffer waiver request is consistent with UDO Section 7.06 D, 4, e., (2), which requires a 100-foot buffer on both sides of all other perennial streams in the Neuse River Basin that allows greenway trail installation within the buffer.
- This buffer waiver request is in accordance Town agreements with the Clean Water Management Partnership requiring a protected stream buffer along perennial streams tributary to Bass Lake.

Action #1: The Council approved a motion to make the necessary findings of fact to be recorded in the minutes for a waiver of UDO Section 7.06 D, 4, e., (1), to impact to the Bass Lake buffer for the construction of the Bass Lake Outfall Greenway in the 100-foot Bass Lake buffer as requested by the Town of Holly Springs Parks and Recreation Department.

1. The carrying out of the strict letter of the UDO will result in practical difficulties in the development of the property included in the Waiver Petition.
2. Approval will observe the spirit of the UDO.
3. Approval will secure public safety and welfare.
4. Approval will provide substantial justice.
5. a. There are exceptional conditions pertaining to the particular piece of property in question because of its shape, size, or topography, that are not applicable to other lands, buildings, or structures in the same district, or
b. There is a peculiar characteristic of a proposed use which makes the application of certain development standards of the UDO, as requested in the petition for waiver of Riparian Buffer Regulations, unrealistic.
6. Granting the Waiver requested will not confer any special privileges that are denied to
7. A literal interpretation of the provisions of the UDO would deprive the applicant of rights commonly enjoyed by other owners and residents of the district in which the property is located.
8. The requested Waiver will be in harmony with the purpose and intent of the UDO and will not be injurious to neighbor or to the general welfare.
9. The special circumstances giving rise to the Waiver request are not as a result of actions of the Applicant.
10. Waiver Requested is the minimum variance that will make possible the legal use of the land, building, or structure.

Motion By: Williams

Second By: Lee

Vote: Unanimous

A copy of the findings of facts is attached to these minutes.

Action #2: The Council approved a motion to grant a waiver of UDO Section 7.06 D, 4, e., (1) to impact to the Bass Lake buffer for the construction of the Bass Lake Outfall Greenway in the 100-foot Bass Lake buffer as requested by the Town of Holly Springs Parks and Recreation Department.

Motion By: Williams

Second By: Cobb

Vote: Unanimous

8c. North Main Street Property - Mr. Schifano said that on Monday, Jan. 7, the Wake County Board of County Commissioners approved the sale of 42 acres of land located on North Main Street, currently owned by Wake County as part of the South Wake landfill, the "Borrow Pit." This property is being acquired by the Town for a total sale price of \$48,700 per acre (\$2,058,939 in total.)

He said at closing, the Town would pay to the County \$253,668, and the County will allow the Town to pay the remainder (\$1,805,271) over 10 years. In exchange, the Town would be required to install an internal access road and utilities that may eventually serve the County's remainder tract, Tract 1, which is being reserved for a future elementary school site.

Action: The Council approved a motion to approve sales contract and authorize its execution by the town manager and finance director.

Motion By: Sack

Second By: Williams

Vote: Unanimous

A copy of the sales contract is attached to these minutes.

8d. North Main Athletic Complex Project Design - Mr. Bradley said with the acquisition of land for the North Main Athletic Complex, staff is requesting the Council's approval to enter into a contract with Withers and Ravenel for design work.

He said the scope of services is for the development of North Main Athletic Complex Phase 1 would consist of nine tennis courts, two artificial turf soccer fields, associated parking, roadway (Anchor Creek Way extension), and associated infrastructure. The request is to consider entering into a contract with Withers and Ravenel for design work in the amount of \$233,000.

Councilwoman Williams said that \$233,000 seems to be a lot of money for the scope of services for this project.

Mr. Bradley said that the contract is in-line with other similar design contracts of this nature.

Mr. Dean said this contract will also include construction drawings and road design that will go through the property connecting NC 55 Bypass with Main Street.

Action #1: The Council approved a motion to adopt an amendment to the FY 2012-13 budget in the amount of \$233,000 to amend the North Main Athletic Complex Project Fund.

Motion By: VanFossen

Second By: Sack

Vote: Unanimous

A copy of the budget amendment is attached to these minutes.

Action #2: The Council approved a motion to enter into a contract with Withers and Ravenel in the amount of \$233,000 for design work for the North Main Athletic Complex project.

Motion By: Williams

Second By: Cobb

Vote: Unanimous

9. Other Business: Mayor Sears thanked and recognized a boy scout who was visiting the meeting.

Mr. Womble thanked the sponsors who are supporting Martin Luther King Jr. celebration and invited all to join the celebration on Sunday, January 20.

Councilman Sack reported that there were trash located on Holly Springs Road that needs to be picked up and there's mold on the entrance sign located on Holly Springs Road that needs to be cleaned. Mr. Sack gave the results of the last landfill meeting.

Councilwoman Williams inquired about the tree cutting on Stinson Avenue.

Ms. Clapp said the trees are being replaced.

10. Manager's Report: Mr. Dean reminded the Council members of the Advocacy Goals Conference 2013 held at the Raleigh Convention Center on January 24, from 9:30 a.m. to 5:00 p.m. He also reminded the members of the Chamber Banquet, at Raleigh Marriott Crabtree Valley on Friday, Jan. 25 from 6 p.m. to 8:30 p.m.

11. Closed Session: The Council approved a motion to enter Closed Session, pursuant to North Carolina General Statute 143-318.11(a)(3) to discuss matters of the financial settlements with the Western Wake Partnership and Green Engineering vs. Davis, Martin, Powell and Associates' legation.

Motion By: Sack

Second By: Cobb

Vote: Unanimous

General Account of Closed Session - **Jan. 15, 2013.**

In general, the town attorney discussed with the council members the final financial settlement with the Western Wake Partnership and Green Engineering vs. Davis, Martin, Powell and Associates legation matters.

The Council provided the town attorney with directions on how to proceed in the settlement with Green Engineering and Davis, Martin, Powell and Associates' legation. All Council Members were in consensus to pay Green Engineering the amount of \$10,000.

Mr. Schifano discussed the financial settlement of Western Wake Partnership legation. Councilman Cobb made a motion to approve settlement of \$950,000 to Western Wake Partnership and seconded by Councilman Sack and the vote was unanimous in favor.

Councilman Cobb made a motion to adopt budget amendment to the FY 2012-13 budget in the amount of \$950,850, to transfer funds from sewer reserves fund to cover the Western Wake Partnership settlement.

A copy of the budget amendment is attached to these minutes.

No further action was made in closed session.

The Council approved a motion to return to open session. The motion was made by Councilman Sack and seconded by Councilman VanFossen, and the vote was unanimous.

-- End of General Account

12. Adjournment: There being no further business for the evening, the Jan. 15, 2013 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Sack, a second by Councilman VanFossen and a unanimous vote.

Respectfully Submitted on Tuesday, Feb. 5, 2013.



Linda R. Harper, MMC, NCCMC

Deputy Town Clerk

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

