



March 19, 2013

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, March 19, 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 four council members were present as the meeting opened.

Council Members Present: Mayor Sears and Councilmen James Cobb and Tim Sack and Councilwomen Linda Hunt Williams and Cheri Lee.

Council Members Absent: Councilman VanFossen

Staff Members Present: Charles Simmons, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk, (recording the minutes); Linda Harper, deputy town clerk; Jenny Mizelle, director of economic development; Elizabeth Goodson, development review engineer; Stephanie Sudano, director of engineering; Jeff Wilson, information technology director; Len Bradley, parks and recreation director; Leroy Smith, fire chief; Laura Holloman, planner I; Sean Ryan, planner I; Jeff Jones, senior planner; Mary Hogan, finance director; Heather Keefer, environmental 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 of South Wake Baptist Church.

4. Agenda Adjustment: The March 19, 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 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:

Ray Riordan, 1020 Starkland Way – Mr. Riordan addressed the Council in response to an information meeting held with his neighborhood about the proposed North Main Athletic Complex. He said he appreciated the communication and hoped that the Council would direct that a tree buffer be provided between the Town's property and the Oak Hall Subdivision; he asked that the Town maintain as many of the trees on the property as possible; that the Town address noise and light pollution that might be created by the park development; that the Town consider and make provisions to prevent the possibility of overflow parking from the stadium phase of the park on Oak Hall Subdivision streets; and he asked that some of the property be used for outdoor basketball courts since the ones in Oak Hall get used by the public and not just Oak Hall residents.

Darcy Maske, 936 Avent Meadows Lane – Ms. Maske, representing the Yellow Jackets football booster club, addressed the Council regarding proposed changes to the parks and recreation football and cheerleading programs. She said parents feel the changes would have a negative impact on the Town, and she asked that the Council consider giving the booster club a year before changes are made in the program. She said her group would need the time to come up with their own program.

6a. Mayoral Commendation Award - Mayor Sears introduced and recognized Kiara and C.J. Leslie, two local young adults who excel in their sports but also exhibit fine leadership and character. Kiara, a student at Holly Springs High School and a member of the Lady Golden Hawks basketball team, recently was named the Tri-9 Conference Player of the Year. Her older brother, C.J. Leslie, is a starting forward for the North Carolina State University basketball team. The March 14, 2013 edition of the *Raleigh News & Observer* called Leslie “a most talented player.”

In addition, C.J. is a compassionate hero. After a recent game, a crowd of spectators rushed onto the court. C.J. spotted a person in a wheelchair, and he left the celebration behind to help clear the way and get the wheelchair-bound person to safety.

Mayor Sears officially recognized the Leslie siblings for their leadership, talent and character with a Mayor’s Commendation Award.

Action: None.

6b. Community Arts Festival Winners – Councilwoman Williams said the Holly Springs Arts Council and the Town of Holly Springs Parks and Recreation Department teamed up last month to present the first Community Arts Festival at the Holly Springs Cultural Center. During the week, many residents viewed and were inspired by work produced by local writers and artists.

She said many young artists participated in the exhibits. Winners were selected by judges and were recognized during the Council meeting with presentation of certificates.

Action: None.

7a. Football and Cheerleading Program – Kevin Adams, vice chair of the parks and recreation advisory committee, addressed the Council. He said that the committee heard from both sides of the issue and had input from the prior Town Council meeting. He said after hearing comments on the issue, the committee approved a motion to recommend that the Council support the proposed changes.

He said the motion passed unanimously.

In discussion, Council members discussed how members of the existing program feel that they need a year to build a competition program from scratch and then the changes proposed could go into effect. Council members felt it was not unreasonable to give the group that wants a competition football program a year to build one.

All of the Council members were in agreement. Councilman Sack said people on both sides of the issue admitted that there are problems with the East Wake program. After a year, the recreational program can change.

Action: The Council approved a motion that the present system be continued for a year with involvement with Chatham County, Johnston County or East Wake; at the end of a year, the parks and recreation department will transition to a recreation football team.

Motion By: Sack

Second By: Cobb

Vote: Unanimous

8a. Public Hearing: FY 2013-14 Budget – Mr. Simmons said the public has been invited via the Town’s Web site and local media to provide comments on the Town’s FY 2013-14 budget. Citizens have been invited to provide input as to what they feel are important programs, facilities or services.

He said the purpose of this pre-budget preparation hearing is to give folks a chance to have input before the budget process actually begins instead of having to wait until the end of the process when it may not be feasible to make adjustments.

Mr. Simmons said this hearing is being held in addition to – and not instead of – the public hearing that is required by law later in the budget process. That hearing tentatively is scheduled for May 21 or June 4, 2013

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

There being no comments, the public hearing was closed.

Action: None.

8b. Public Hearing: Town of Fuquay-Varina Annexation Agreement - Mr. Schifano explained the towns of Holly Springs and Fuquay Varina have an existing annexation line which prohibits each municipality from annexing, voluntarily or involuntarily, on either side of the line. The most recent annexation agreement line between the two towns was enacted in 2008. Owners of a 48-acre area of land south of Bass Lake have approached both towns for development. Town staff looked at the ability to serve this area with utilities, and it was determined that this area would be better served by Fuquay-Varina. That review also caused town staff to look at other parcels to see which would be better served by Holly Springs. There is an area of approximately 200 acres off of Duncan Cook Road that would be better served by Holly Springs.

He said the proposed amendment swaps those two areas so that the 48 acres would be subject to annexation by Fuquay-Varina, and the 200-acre area would be subject to be annexed by Holly Springs, assuming these areas are either voluntarily annexed or subject to the requirements of annexation. This ordinance does not annex or authorize annexation; it merely determines which town ultimately would be better able to annex the properties, if and when they are ever annexed.

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

There being no comments, the public hearing was closed.

Action: The Council approved a motion to enact Ordinance 13-02, amending an annexation agreement line between Holly Springs and Fuquay-Varina.

Motion By: Cobb

Second By: Sack

Vote: Unanimous

8c. Public Hearing: Annexation A13-03 - Mr. Jones said the Town has received a petition for voluntary annexation of 16.6 +/- acres located at 634 Bass Lake Road. The property owners are Web Formations, Inc. and Triangle Growth Capital. The property is contiguous with city limits, and the petition meets all the statutory requirements for annexation.

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

There being no comments, the public hearing was closed.

Action: The Council approved a motion to adopt Annexation Ordinance A13-03 annexing 16.6 +/- acres owned by Web Formations, Inc. and Triangle Growth Capital, and more particularly described as Wake County PINs: 0658.02-68-1999 and 0658.02-69-0331, into the corporate limits of the Town of Holly Springs.

Motion By: Cobb

Second By: Sack

Vote: Unanimous

A copy of Annexation Ordinance A13-03 is attached to these minutes.

8d. Public Hearing: Rezoning Petition 12-REZ-07 - Ms. Holloman said the Town has received a request for a zone map change for property located along Bass Lake Road, between the undeveloped Brook Manor subdivision and the established Old Mills Lake subdivision. The applicant is requesting to rezone the property from R-20: Residential to R-10: Residential. The parcels currently are used for residential uses and together are approximately 16.60 acres in size.

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

Don Mizelle, Longleaf Development Services, 5429 Shoreline Ct. -- Mr. Mizelle addressed the Council to speak in favor of the rezoning. He said he felt the requested R-10 zoning is typical of Holly Springs residential development. He said he met with some of the neighboring property owners in Old Mills Lake subdivision to try to address their concerns.

Monty Moray, 3112 Mills Lake Wynd – Mr. Moray said he and neighbors attended the Planning Board meeting and voiced concerns. Since then, neighbors met with the applicant and he feels they came up with acceptable compromise with changes.

Wyndam Ratcliff, 1005 Whitney Springs Ct. – Ms. Ratcliff spoke against the rezoning. She said changing the property from R-20 to R-10 would not benefit the Town of Holly Springs or property owners in Old Mills Lake.

Adegoke Ademiluyi, 3001 Mills Lake Wynd – Mr. Ademiluyi said he moved there 16 years ago because it was rural. A planning professional, he said he would expect a gradual transition and feels there is not enough transition zoning between the R-10 requested and the R-30 of Old Mills Lake. He said he owns a neighboring lot and said he would be the most effected by the rezoning, if approved.

Mary Jo Norman, 3000 Mills Lake Wynd – Ms. Norman said she appreciates the work the petitioner has done to try to meet residents' concerns, but she overall is disappointed because she is against the rezoning. She said she was concerned about the lack of transition.

Sonya Brown, 2995 Mills Lake Wynd – Ms. Brown spoke against the petition.

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

Action #1: The Council approved a motion to accept the following statement as true: *“The requested zone map change from R-20 to R-10 is consistent with the Vision Holly Springs Comprehensive Plan since the Future Land Use Plan Map indicates this property as Residential and the R-10 Residential District will allow this designation to be carried out.”*

Motion By: Williams

Second By: Cobb

Vote: Unanimous

Action #2: The Council approved a motion to adopt ordinance 12-REZ-07 to approve and enact Zone Map Change Petition #12-REZ-07 to change the zoning of ± 16.60 acres of Wake County PINs #0658690331 and a portion of #0658681999 from R-20: Residential to R-10: Residential as submitted by Longleaf Development Services.

Motion By: Williams

Second By: Cobb

Vote: Unanimous.

A copy of Ordinance 12-REZ-07 is attached to these minutes.

8e. Public Hearing: Comprehensive Plan Amendment 13-CPA-01 - Mr. Ryan said the Town has received a request to amend the Comprehensive Plan to change the future land use designation of 4.99 acres along W. Holly Springs Road from Residential to Mixed Use.

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

Kieran Connelly, 129 Greemar Drive – Mr. Connelly said he was opposed to adding business uses in a largely residential area.

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

Action: The Council approved a motion to adopt Resolution #13-07 to approve and enact Comprehensive Plan Amendment #13-CPA-01 to change the Vision Holly Springs Comprehensive Plan future land use designation of 4.99 acres of Wake County PIN # 0649631999, 0649641134, 0649641381, 0649641673, 0649548381, 0649548018, 0649547049, 0649547307, 0649547384, 0649547283, and 0649547307 from Residential to Mixed Use as requested by Glenda S. Toppe & Associates.

Motion By: Sack

Second By: Williams

Vote: Unanimous

A copy of Resolution 13-07 is attached to these minutes.

8f. Public Hearing: Rezoning Petition 13-REZ-02 - Mr. Ryan said the Town has received a request for a zone map change for several properties located along W. Holly Springs Rd, east of NC 55 and west of Main Street. The applicant is requesting to rezone the property from R-10: Residential and R-15: Residential to both LB: Local Business and R-MF-8: Multifamily Residential. The request is to rezone approximately 4.991 acres to LB: Local Business and the remaining 16.838 acres of the subject parcels to R-MF-8: Multifamily Residential. The parcels currently are being used for single family residential; however, some are vacant.

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

Pam Davison, 105 Ramshorn Ct. – Ms. Davison addressed the Council to oppose the rezoning request. She said the requested zoning is inappropriate and required buffers would not protect adjacent homes from impacts.

Caroline Fiegler – Ms. Fiegler agreed with Ms. Davison.

Larry Gillespie, 105 Moss Rock Dr. -- A neighboring property owner, Mr. Gillespie is against the rezoning request because the change it would bring to his surroundings. He asked that the Council delay so some sort of compromise could be reached.

James Workman 144 Gremarn Drive – Mr. Workman said he enjoyed having woods behind his house and was opposed to the rezoning and development of the property. He said there would be no transition.

Michael Niestroy, 172 Gremar Drive – Mr. Niestrom said he agrees with others opposed to the rezoning.

Michelle Williford, 800 Oak Hall Drive – Ms. Williford said she wanted to point out that a new traffic pattern and adding hundreds of cars on Holly Springs Road from development of the property would have a negative impact on Oak Hall Subdivision but also on Holly Springs Road.

Amy Meyer, 1300 Linden Ridge Drive – Ms. Meyer said she understands the need for growth in the Town but feels the multi-family zoning is not appropriate.

Dana Niestroy, 172 Gremar Drive – Ms. Niestroy said part of the property is wetlands and wants that considered.

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

Councilman Sack said it is an age old problem that building a town requires some to lose what they are used to having behind them or beside them so that the owners of that property can exercise their rights as owners to develop or build or not.

Speakers indicated they wanted to speak, so Mayor Sears reopened the public hearing.

Resident living at 133 Gremar Drive – The resident said she does not want her dead end street to go through to serve the property.

Councilman Sack explained the Town's policies regarding street connectivity.

George Smith, 229 Stone Hedge Ct. – Mr. Smith asked if the applicant would consider a conditional use zoning rather than a general use zoning. He asked the Council to send the applicant back to apply for conditional zoning.

H. J. Gillece – Mr. Gillece, representing the applicant, said he would support the rezoning and would be glad to meet with residents of Oak Hall.

In discussion, Council noted that people felt they did not have enough time to oppose the petition; whether to table the question; and that the RMF8 section would require public hearings on the actual development plan.

Action #1: The Council approved a motion to accept the following statement as true: *“The requested zone map change from R-10: Residential and R-15: Residential to LB: Local Business and R-MF-8: Multifamily Residential is consistent with the Holly Springs Ten Year Comprehensive Growth Plan since the Future Land Use Plan Map indicates these properties as Mixed Use and Residential. The LB: Local Business District is consistent with the Mixed Use future land use designation and the R-MF-8 district is consistent with the Residential future land use designation, which sets the maximum allowed density between 2 and 15 units per acre.”*

Motion By: Sack

Second By: Williams

Vote: 3-1 Cobb opposed

Action #2: The Council approved a motion to adopt ordinance 13-REZ-02 to approve and enact that part of Zone Map Change Petition #13-REZ-02 to change the zoning of 4.99 acres on West Holly Springs Road from R-10: Residential to LB: Local Business; but to delete from the ordinance draft the following text: ~~and 16.83 acres from R-10 and R-15 to R-MF-8: Multifamily Residential as requested by Glenda S. Toppe & Associates.~~

Motion By: Sack

Second By: Cobb

Vote: Unanimous

A copy of Ordinance 13-REZ-02 as amended is attached to these minutes.

For the remainder, the applicant will need to submit a new petition.

8g. Public Hearing: Annexation Petition A13-04 - Mr. Jones said the Town has received a petition for voluntary annexation of approximately 7.158 +/- acres located along Grigsby Avenue. The property owners are Betty Waller, Grigsby Development, Inc., and the property is contiguous with city limits.

The petition meets all the statutory requirements for annexation.

The applicant has submitted a related development plan for this property and requests that action on the annexation be delayed until action on the subdivision plan is taken. If the subdivision plan is not approved, the applicant would request that no action be taken on annexation.

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

David Lassley, Piedmont Land Design – Representing the developer of Somerset Stream, Mr. Lassley spoke in favor of annexation and wants to satisfy the town attorney’s questions about property description.

Mr. Schifano addressed the Council to explain that he would like to secure greenway dedication; his recommendation would be to continue the public hearing because the 7 acres is inappropriately described.

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

Action: The Council approved a motion to continue the public hearing and defer action on Annexation Ordinance A13-04 until the town attorney can gain assurances of greenway easement dedication.

Motion By: Cobb

Second By: Sack

Vote: Unanimous

8h. Public Hearing: Comprehensive Plan Amendment 13-CPA-02 - Mr. Ryan said the Town has received a request to change the Southern Gateway Plan future land use designation of 72 acres from Commercial to Mixed Residential.

Mr. Ryan said that the applicant has requested to table this item to a future meeting. However, the public hearing had already been advertised and posted; therefore, the Town Council should open the public hearing and continue it to April 16, 2013, Mr. Ryan said.

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

There being no comments, the public hearing was continued at the request of the applicant.

Action: The Council approved a motion to continue the public hearing and action on Vision Holly Springs Comprehensive Plan Amendment Petition #13-CPA-02 to the Town Council meeting on April 16, 2013.

Motion By: Sack

Second By: Williams

Vote: Unanimous

8i. Public Hearing: Rezoning Petition 13-REZ-03 - Mr. Ryan said the Town has received a request for a zone map change for two properties located along Little Moccasin Lane, south of Ralph Stephens Road. The applicant is requesting to rezone the properties from CB: Community Business to R-8: Residential. The request is to rezone approximately 60.81 acres of an 80.4-acre parcel and all 10.2 acres of an adjacent parcel. The parcels currently are being used for agricultural purposes. The property is located within the Southern Gateway Area Plan and the requested R-8 zoning district is consistent with the Mixed Residential land use designation.

Mr. Ryan said that the applicant has requested to table this item to a future meeting. However, the public hearing had already been advertised and posted; therefore, the Town Council should open the public hearing and continue it to April 16, 2013, he said.

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

There being no comments, the public hearing was continued at the request of the applicant.

Action: The Council approved a motion to continue the public hearing and action on Rezoning Petition 13-REZ-03 to the Town Council meeting on April 16, 2013.

Motion By: Cobb

Second By: Williams

Vote: Unanimous

8j. Public Hearing: Development Plan 12-DP-02 for New Hill Place Apartments - Ms. Holloman said the Town has received a request for a multi-family development project adjacent to Holly Springs Towne Center along Old Holly Springs Apex Road. The property is 21.67 acres in size and zoned R-MF-15 Multi-family Residential.

She said the project includes 12 apartment buildings with 288 multi-family units located throughout the property. A total of 500 parking spaces (surface parking and garages) are distributed throughout the project. Pedestrian connections are provided throughout the interior of the site as well as along all adjacent public streets. All vehicular accesses for the site would be provided by driveways located off of the newly-constructed thoroughfare that will provide a connection from GB Alford Highway to Old Holly Springs Apex Road.

She said a total of 1.92 acres (10% of project area) of private recreational open space is provided and includes amenities such as a pool and clubhouse.

The primary building materials include light brown cement siding and tan stone accents. Other design features include: façade modulation, roofline variation, decorative columns, balconies and a decorative cupola on top of the clubhouse building.

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

Ashley Schaeffer, Forest Springs – Ms. Schaeffer spoke against the development plan. She said higher traffic would be generated; because roadways would be impacted, she was concerned about public safety; she said she felt multi-family development would result in increased students in crowded schools and be a drain on town services.

Resident at 112 Sweet Violet Drive – The resident spoke against the plan saying she was very concerned about bringing in multi-family development to the area.

Tom Schaeffer, 116 Sweet Violet Drive – Mr. Schaeffer spoke against the plan. He said a future Forest Springs phase will be butted up against this proposed development.

Mike Hunter, Cary – Mr. Hunter is the applicant and addressed the Council. Mr. Hunter pointed out that the Town has encouraged multi-family development, probably since before the residents of Forest Springs were there. Support of the shopping center depends on multi-family high-density. He promised a high quality product.

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

In discussion, Council members agreed that a multi-family residential section has been in the plan since the beginning.

Action: The Council approved a motion to approve Development Plan #12-DP-02 for New Hill Place Apartments as submitted by WSP Sells, dated revised 12/27/12 with the following conditions:

- a. Payment of fees-in-lieu of land dedication shall be calculated at the current Fiscal Year Fee Schedule in place at the time of Final Plat recordation.
- b. All previous approval conditions for *New Hill Place Master Plan and New Hill Place Subdivision Plan* will apply to this plan as well.
- c. The portion of the approved, Thoroughfare A (Bennet Knoll Parkway), as designed by Stantec (sheets 11-15) dated August 2012, that runs along the frontage of this project site must be completed prior to the initial certificate of occupancy of New Hill Place Apartments. The thoroughfare plans will be submitted for approval along with construction drawings for the apartments. Any right-of-way needed to construct these improvements must be obtained prior to construction drawing approval.
- d. A fee-in-lieu of upgrade will be required for this project for the Twelve Oaks Pump Station and associated Force Main
- e. This project will be required to meet the Town of Holly Springs NPDES Ph. II Post Construction Stormwater Ordinance.
- f. 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 35% the actual construction cost of the BMP is required at the end of the performance monitoring period for the project.
- g. All conditions set forth in the approved 401 Water Quality Certification and 404 Permit will have to be met with this project. The Town will not approve development plans for the residential outparcels of this development if they contain any impacts not approved by the USACE and NCDWQ as documented USACE Approval Date: 1/5/11 and DWQ Approval Date: 12/6/10.
- h. The following item must be addressed prior to construction drawings submittal:
 1. Submit all items listed on the Stormwater Submittal Checklist, Form #16003.
 2. The approved Forest Springs 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. The revised flood study must be submitted with the first construction drawing review.

- i. The following item must be addressed prior to construction drawings approval:
 1. Payment of the Stormwater Fee-in-Lieu will be required.
 2. Approval of Stormwater Management Plan is required prior to issuance of a land disturbance permit or construction drawing approval.
 3. If any off site water and/or sewer facilities are needed to serve this project and are not completed and accepted by the Town at the time of approval of this plan, then these facilities must be completed for this project to develop. The Town is not responsible for completion of off-site water or sewer facilities, and will not guarantee completion of such facilities by any other party. No plats or building permits will be issued by the Town until all necessary on and off site water and sewer infrastructure is completed.
 4. As per the Master Plan, a pedestrian connection must be made between Holly Springs Towne Center and the Forest Springs Subdivision. This connection is proposed along Old Holly Springs/Apex Road. If at the time of design additional right-of-way or easements are needed to construct this connection, they will need to be obtained by the developer as well prior to construction drawing approval.

Motion By: Sack

Second By: Williams

Vote: Unanimous

8k. Public Hearing: Comprehensive Plan Amendment 13-CPA-03 - Mr. Jones said that staff has been working on updates to the Village District Area Plan over the last few months and has the first part of multiple amendments that staff will be proposing to update VDAP maps and Land Uses over the next couple of months. Along with these proposed changes the Southern Gateway Plan changes as a result of the VDAP boundary changing. The proposed amendments are as follows:

Suggested Amendments to VDAP

- Replace Figure 1 with new map with new boundary
- Replace Figure 3 with new map
- Replace all maps within document with new boundary
- Add language that defines VDAP Land Uses
- Mixed Use category is intended to provide for a wide range of Commercial, Business, and Higher Density Residential land uses up to 15 units per acre.
- Residential category is intended to provide for a wide range of residential densities and limited public and institutional uses.

Park and Open Space category is intended to identify those areas that ensure a system of parks, trails and open spaces adequate for a wide variety of active and passive leisure pursuits, contributing to the quality of life within the Town

Civic and Institutional category is intended to provide for a wide range of civic and institutional functions, such as, Town facilities, Libraries to schools

- Remove Figure 4 map and reference

Suggested Amendment to Southern Gateway

Update Boundary as result of VDAP Amendments

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

There being no comments, the public hearing was closed.

Action: The Council approved a motion to adopt Resolution #13-09 to approve and enact Comprehensive Plan Amendment #13-CPA-03 to amend Appendix A2.1- Village District Area Plan and Appendix A2.3- Southern Gateway Plan as submitted by the Town of Holly Springs.

Motion By: Cobb

Second By: Williams

Vote: Unanimous

A copy of Resolution 13-09 is attached to these minutes.

8I. Public Hearing: Ordinance 13-03 - Mr. Jones said at the 2012 Town Council Retreat, it was determined and agreed that all required infrastructure for downtown projects must be completed at time of development and that no waivers shall be granted in the future for sidewalks, road widening, on-street parking, etc. The reason behind this discussion and direction was the importance to ensure that as development occurs within the downtown area that adequate pedestrian, roadway, and parking facilities are available to accommodate the needs and impacts of the new development.

Also at the retreat, the Town Council directed staff to review and modify the Downtown Development Incentive Policy to provide for a means for the Town to ensure completion of improvements for development within the boundaries of the Village District Area Plan as well as to provide opportunities for the Town to encourage new development.

Based upon the feedback received at the retreat, Staff prepared revisions to the Town's Downtown Development Incentive Policy and presented the new Downtown Development Investment Program to the Town Council at the Feb. 5 Town Council meeting. The Council adopted this new policy which provides for a limited Town contribution to the completion of such public improvements subject to certain criteria's being met.

Now that the policy is in place to provide some assistance with the completion of vital infrastructure in the downtown area, the Unified Development Ordinance is being amended to eliminate the option for waivers of the completion of this infrastructure for those development projects within the boundaries of the Village District Area Plan.

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

None.

There being no comments, the public hearing was closed.

Action #1: The Council approved a motion to accept the following statements as being true: "The requested UDO text amendment is consistent with the Vision Holly Springs Comprehensive Plan: *Executive Summary* in regard to "Using the Plan to Implement the Town's Vision" and "Adopting and Implementing the Plan"; Section 1: *Future Land Use* "Objectives"; Section 2: *Transportation* "Objectives"; and Appendix 2.1: *Village District Area Plan* (Transportation, Access & Circulation Recommendations" and "Streets and Streetscape Recommendations." The proposed UDO amendment provides the tool necessary for staff and the development community to implement the goals and objectives stated in the plan."

Motion By: Cobb

Second By: Sack

Vote: Unanimous

Action #2: The Council approved a motion to adopt Ordinance 13-03 to approve and enact UDO Text Amendment #13-UDO-02 to modify the text of UDO Section 9.05, B. as submitted by the Town of Holly Springs.

Motion By: Cobb

Second By: Lee

Vote: Unanimous

A copy of Ordinance 13-03 is attached to these minutes.

9. 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:

9a. Minutes – The Council approved minutes of the Council’s special meeting held Feb. 15 - 16 and regular meeting held March 5, 2013.

9b. Budget Amendment Report – The Council received a 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.*

9c. Resolution 13-10 – The Council adopted Resolution 13-10 declaring retired K-9 Leza surplus to the needs of the town and authorizing the town manager to give Leza to her handler. *A copy of the Resolution 13-10 is attached to these minutes.*

9d. Western Wake Partnership Settlement Report – The Council received a report of the Western Wake Partnership settlement as required by NCGS 143-318.11(a)(3.).

9e. Budget Amendment, \$22,700 – The Council adopted an amendment to the FY 2012-13 budget in the amount of \$22,700 to appropriate funds from prior year and current year budgets to cover water meters for Pecan Grove Apartments. *A copy of the budget amendment is attached to these minutes.*

9f. Budget Amendment, \$4,575- The Council adopted an amendment to the FY 2012-13 budget in the amount of \$4,575 to cover cost of fire station #3 roof repairs. *A copy of the budget amendment is attached to these minutes.*

9g. Fiber Optic Network Contract- The Council accepted proposal from CTC, Inc. at the cost of \$20,750 to develop a business plan, opportunity analysis and cost analysis of a town-owned fiber optic network.

10a. 12-MAS-04 for Logan’s Manor – Ms. Holloman said the Town staff has received a request for a development options subdivision. The total number of lots proposed is 49. The subject property is located along Bass Lake Road, directly adjacent to the approved yet undeveloped Brook Manor subdivision.

Ms. Goodson said the condition on the plan for a fee in lieu for a “pump station is required” is a standard condition that staff puts on all plans. She said that there are no upgrades needed for this project.

Mr. Nick Antrilli, 111 McCanan Drive in Cary addressed the Council. He said that lot 39 was removed and turned into open space to provide extra buffer. He said the connectivity between the adjacent property is a town requirement. He said he recommends barricading the road leading into the adjacent neighborhood until 90% build-out and add a speed bump.

Mr. Mizelle said the open space is added because of concerns of the neighbors.

Staff does not recommend speed bump as requested in public hearing.

Action: The Council approved a motion to approve Development Plan #12-MAS-04 for Logan’s Manor as submitted by Withers & Ravenel, Project Number 2120467, dated revised 3/11/13 with the following conditions:

1. A fee-in-lieu of upgrade will be required for this project for the Pump Station and/or Force Main
2. This project will be required to meet the Town of Holly Springs NPDES Ph. II Post Construction Stormwater Ordinance.
3. 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 35% the actual construction cost of the BMP is required at the end of the performance monitoring period for the project.

4. The following items must be addressed prior to or with the first construction drawing submittal:
 - a. All items listed on the Stormwater Submittal Checklist, Form #16003, must be included
 - b. Thoroughfares, collectors and boulevards will require a calculated pavement design. This may result in a pavement cross section bigger than the specified minimum.
 - c. Note that the pavement design will require NCDOT approval. The most restrictive cross-section between the minimum design, calculated pavement design, Triassic design, and NCDOT design will apply.
 - d. Provide documentation in the form of a recorded plat of any required offsite sewer easements. Continue to work with staff to review the design for the sewer connection prior to obtaining the easement.
 - e. A flood study will be required to meet the Town's policy for Hydrologic Basin Models (Town Policy - P-018). The approved Remington flood study will need to be updated to reflect this project.
 - f. At the time of construction drawing submittal, a site lighting plan will be required. Street Trees on all interior streets shall be positioned as to not interfere with any lighting fixtures present or any site distance triangles.
 - g. The applicant shall work with staff to revise the landscape plan as necessary to show a Type 'B' buffer along Lot 39. **Update – This condition has been satisfied. The applicant has submitted revised plans 3/11/13 that have removed Lot 39 as a buildable lot and depicted it as open space on all plan sheets.**
5. The following items must be addressed prior to construction drawing approval or issue of a land disturbance permit:
 - a. Approval of Stormwater Management Plan is required.
 - b. All environmental permits must be obtained for the entire project.
6. Barricade the road leading into the adjacent neighborhood until 80% build-out but do not add a speed bump.

Motion By: Williams

Second By: Sack

Vote: Unanimous

10b. Bass Lake Buffer Waiver - Ms. Keefer said that Branston, LLC is requesting a waiver to the Bass Lake Buffer to allow impacts for development of the Somerset Stream Subdivision within the Town of Holly Springs 100-foot undisturbed Bass Lake Buffer, UDO Section 7.06 D, 4, e., (1).

The waiver would be necessary for the construction of portions of the sanitary sewer, stormwater management devices and greenway trail.

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 UDO Section 7.06 D, 4, e., (1), to allow impact to the Bass Lake Buffer for the construction of portions of the sanitary sewer, stormwater management devices and greenway trail for the Somerset Stream Subdivision in the 100-foot Bass Lake Buffer as requested by the Somerset Stream Subdivision Developer, Branston, LLC.

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: Cobb

Vote: Unanimous

Action #2: The Council approved a motion to grant the waiver to UDO Section 7.06 D, 4, e., (1) to impact to the Bass Lake Buffer for the construction of portions of the sanitary sewer, stormwater management devices and greenway trail in the 100' Bass Lake Buffer as requested by the Somerset Stream Subdivision Developer, Branston, LLC.

Motion By: Cobb

Second By: Lee

Vote: Unanimous

10c. Subdivision Plan #12-MAS-03 Somerset Stream and Annexation Ordinance A13-04 – Mr. Jones said that since annexation was not acted upon earlier in the meeting, then the applicants requests that action and presentation on the subdivision plan for Somerset Stream be deferred until a future meeting.

Action: None

10d. Sewer Treatment & Permit Evaluation – Ms. Sudano said the Town received its wastewater treatment plant National Pollutant Discharge Elimination System (NPDES) discharge permit this past year. This was a major accomplishment for the community.

The permit requires that the Town relocate its actual discharge prior to plant discharge flows reaching 2.4 million gallons per day (mgd.) At present, flows are in the 1.5 mgd range. Development is rapidly increasing and includes flow-intensive non-residential and multi-family units coming online. This means that the remaining 1 mgd of flow will come online before we know it.

Staff is recommending hiring CH2MHill to perform three tasks for a not-to-exceed figure of \$19,950.

- The first is to provide an independent short-term study of plant flow projections that can be used to develop a schedule for the next plant-related capital project – installation of an outfall for the relocation of the discharge downstream;
- Review historical information and provide projections for reclaimed water;
- Explore the possibility of a permit modification that accounts for reclaimed water use with the goal of delaying construction of the outfall.

The work will be undertaken over the next several months. CH2MHill has an excellent track record in working with the Town's plant-related permits.

Action: The Council approved a motion to approve to enter a contract with CH2MHill for professional services in the amount of \$19,950 for Sewer Treatment & Permit Evaluation.

Motion By: Sack

Second By: Cobb

Vote: Unanimous

11. Other Business: Councilwoman Lee announced that the HSHS Lady Golden Hawks cheerleaders won a national award; she reported that Councilman Cobb, Mayor Sears and she attended the HSHS Government Day

12. Manager's Report: Mr. Simmons reported on the upcoming business bus tour.

13. Closed Session: The Council approved a motion to enter Closed Session, pursuant to North Carolina General Statute 143-318.11(a)(5) to discuss matters of land acquisition.

Motion By: Cobb

Second By: Sack

Vote: Unanimous

General Account of Closed Session – March 19, 2013.

In general, the town attorney discussed with the council members a matter of land acquisition for sidewalk right of way. The Council provided direction as to amounts that the town attorney was authorized to offer for purchases.

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 Cobb, and the vote was unanimous.

-- End of General Account

14. Adjournment: There being no further business for the evening, the March 19, 2013 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Sack, a second by Councilman Cobb and a unanimous vote.

Respectfully Submitted on Tuesday, Aug. 6, 2013.

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..... these minutes follow and are a part of the official record.

