

# Holly Springs Town Council Minutes

## Regular Meeting

Dec. 20, 2005

The Holly Springs Town Council met in regular session on Tuesday, December 20, 2005, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Dick Sears presided, calling the meeting to order at 7:15 p.m. A quorum was established as the mayor and five council members were present as the meeting opened.

**Council Members Present:** Councilmen Parrish Womble, Chet VanFossen, Peter Atwell, Vinnie DeBenedetto, and Hank Dickson, and Mayor Sears.

**Council Members Absent:** None.

**Staff Members Present:** Carl Dean, town manager; John Schifano, town attorney; Linda Harper, deputy town clerk (recording the minutes); Charles Simmons, assistant town manager; Gina Bobber, director of planning and zoning; Jeff Jones, planner II; Scott Hammerbacher, planner; Mark Andrews, public information officer; Jenny Mizelle, economic development director; Stephanie Sudano, director of engineering; Elizabeth Goodson, development review engineer; Drew Holland, finance director; Scott Barnard, Bass Lake Park manager; and Len Bradley, director of parks and recreation.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Pastor Don Brown of the Village Church of Holly Springs.

**4. Agenda Adjustment:** The December 20, 2005 meeting agenda was adopted with changes, if any, as listed below.

**Motion By:** Dickson

**Second By:** Atwell

**Vote:** Unanimous

**Items Added to the Agenda:** None.

**Agenda Items Removed:** None.

**Other Changes:** None.

**5a. Recognition of Outgoing Councilman Ernie Pearson** – Mayor Sears recognized former Councilman Ernie Pearson with an award commemorating his service on the Holly Springs Town Council. Mayor Sears said that Ernie served the town as Councilman from Aug. 17, 2004, to December 4, 2005 and the town appreciates the work that he has done.

**Action:** None.

**5b. Hurricane Katrina Relief Efforts Recognition** - Mayor Sears reported that the Town of Holly Springs had received a plaque from the American Red Cross recognizing the Town's recent efforts in response to Hurricane Katrina.

Mayor Sears said that during the Storm Aid and events that were held in September, citizens of Holly Springs contributed \$29,539.95 to the Red Cross and \$7,910 in non-cash contributions. Mayor Sears said, in addition, contributors raised \$846 for the Humane Society of the United States for animal rescue efforts.

Mayor Sears said that everyone did a great job, and he accepted the plaque on behalf of the citizens of the Town.

**Action:** None.

**5c. Holly Springs Chamber of Commerce Report** – Bob Volpe, chairman of the Holly Springs Chamber of Commerce, presented the Town Council with the Chamber's quarterly report of current office services, programs and member services. He also reported on the Chamber's upcoming events, including the emerging issues forum on January 19, 2006 and the 11<sup>th</sup> annual awards banquet on January 27, 2006.

Mr. Volpe asked for the Town's recommendations or feedback on ways the Chamber could better serve the town.

**Action:** None.

**6a. Public Hearing: 05-GPA-06 and 05-REZ-16, Townhomes at Avent Acres** - Mr. Jones explained that this request is made by the Town of Holly Springs in an effort to correct a mapping problem that occurred when the current UDO and Zoning Map was adopted in November 2002. He said at that time the Town tried to identify properties that needed to be rezoned to match the new regulations. He said this property was not identified, because the project was not in the building phase.

Mr. Jones said that staff and the Technical Review Committee felt that the property should be rezoned to R-MF-8, the town's townhome district, and that a growth plan amendment should occur for the property to be designated as very-high

density. He said that with this rezoning to the appropriate zoning district, in the event that any of these homes were ever destroyed, then the homes could be rebuilt.

Mr. Jones said both staff and the Planning Board recommend approval.

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 #1:** The Council approved a motion to approve an amendment to the Ten-Year Comprehensive Growth Plan 05-GPA-06 to change the future land use designation of 4.72 acres for The Townhomes at Avent Acres, Wake County Pin(s) 0649525357, 0649523925, 0649525616, 0649525451, 0649525264, 0649525717, 0649523853, 0649525536, 0649523847, 0649524814, 0649526100, 0649524992, 0649523928, 0649523931, 0649525710, 0649523860, 0649525532, 0649525445, 0649525529, 0649525360, 0649525267, 0649525364, 0649525804, 0649525438, 0649525271, 0649525029, 0649525723, 0649525160, 0649525623, 0649524898, 0649525811, and 0649524985, from medium-density to very high-density, as submitted by the Town of Holly Springs.

**Motion By:** Dickson

**Second By:** Atwell

**Vote:** Unanimous

**Action #2:** The Council approved a motion to approve Rezoning Petition #05-REZ-16 to change the zoning of 4.72 acres for The Townhomes at Avent Acres, Wake County Pin(s) 0649525357, 0649523925, 0649525616, 0649525451, 0649525264, 0649525717, 0649523853, 0649525536, 0649523847, 0649524814, 0649526100, 0649524992, 0649523928, 0649523931, 0649525710, 0649523860, 0649525532, 0649525445, 0649525529, 0649525360, 0649525267, 0649525364, 0649525804, 0649525438, 0649525271, 0649525029, 0649525723, 0649525160, 0649525623, 0649524898, 0649525811, and 0649524985 from R-10/R-20: Residential to R-MF-8: Residential Multifamily as submitted by Town of Holly Springs.

**Motion By:** Dickson

**Second By:** Atwell

**Vote:** Unanimous

**6b. Public Hearing: 05-SEU-14, Holly Ridge Middle School** - Mr. Hammerbacher said that the Town had received Special Use Exception application 05-SEU-14 from Wake County Public School System requesting that the Town allow a six-classroom modular unit to be located at Holly Ridge Middle School, 900 Holly Springs Road. The unit would replace four individual classrooms, which were previously approved by the Council.

Mr. Hammerbacher said the proposed mobile unit would be located along the east side of the outdoor basketball courts adjacent to the Middle School.

Mr. Hammerbacher said both staff and the Planning Board recommend approval with conditions.

With that explanation completed, Mayor Sears opened the public hearing to accept sworn testimony and qualified evidence. The following testimony was recorded: None.

There being no testimony, the public hearing was closed.

**Action #1:** The Council approved a motion to make and accept the following findings of fact to be recorded in the minutes for Special Exception Use Petition 05-SEU-14 for Holly Ridge Middle School modular units as submitted by Gerald Core of the Wake County Public School System, titled Modular Classroom Buildings Holly Ridge Middle School, dated revised November 7, 2005.

- a. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
- b. The proposed use will not injure or adversely affect the adjacent area;
- c. The proposed use will be consistent with the character of the district, land uses authorized therein, and the Town of Holly Springs Comprehensive Plan;
- d. The proposed use shall conform to all development standards of the applicable district (unless a waiver of such development standards is requested as part of the special exception use petition and approved as set forth above, in which case the proposed use shall conform to the terms and conditions of such waiver).
- e. Access drives or driveways are or will be sufficient in size and properly located to: ensure automotive and pedestrian safety and convenience, traffic flow as set forth in Section 7.09 – Pedestrian Circulation and Vehicular Area Design; and, control and access in case of fire or other emergency;
- f. Off-street parking areas, off-street loading areas, trash enclosures, trash pick-up and removal, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties and properties in the general neighborhood;
- g. The lot, building or structure proposed for the use has adequate restroom facilities, cooking facilities, safety equipment (smoke alarms, floatation devices, etc.), or any other service or equipment necessary to provide for the needs of those persons whom may work at, visit or own property nearby to the proposed use;
- h. Utilities, schools, fire, police and other necessary public and private facilities and services will be adequate to handle the needs of the proposed use;

- i. The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts; and,
- j. The type, size, and intensity of the proposed use (including but not limited to such considerations as the hours of operation and numbers of people who are likely to utilize or be attracted to the use) will not have significant adverse impacts on adjoining properties or the neighborhood.

**Motion by:** VanFossen

**Second By:** Atwell

**Vote:** Unanimous

*A copy of Special Exception Use application 05-SEU-14 entered into the record by the applicant and addressing the findings of facts is incorporated into these minutes as addendum pages.*

**Action #2:** Having made the findings of fact that the project meets the requirements to be granted a Special Exception Use, the Council approved a motion to approve Special Exception Use 05-SEU-14 for Holly Ridge Middle School Modular Units as submitted by Gerald Core of the Wake County Public School System, titled Modular Classroom Buildings Holly Ridge Middle School, revised November 7, 2005 with the following three conditions:

- 1. Prior to certificate of UDO compliance, the following must be completed:
  - a. All dead and missing landscaping is to be replaced and/or installed in accordance with the original approved plans.
- 2. The following item will need to be included with the 1<sup>st</sup> construction drawing submittal (later in the approval process):
  - a. Due to the drainage pipe being relocated with this project, provide signed and sealed calculations and written explanation of the cubic feet per second of flow existing and the cubic feet per second of the post proposed flow.
- 3. The following item will need to be addressed prior to construction drawing approval:
  - a. On previously approved Holly Ridge Elementary & Middle School Modular Units, there was a condition of approval about S&EC and stormwater issues for this site. Documentation that this has been satisfied must be received prior to construction drawing approval.

**Motion by:** VanFossen

**Second By:** Womble

**Vote:** Unanimous

The Council approved a motion to excuse Councilman VanFossen from the meeting at this time.

**Motion by:** Atwell

**Second By:** Dickson

**Vote:** Unanimous

**6c. Public Hearing: 05-SEU-15, 1050 N. Main Street -** Mr. Hammerbacher said that the Town had received Special Exception Use application 05-SEU-15 for property located at 1050 N. Main Street. Mr. Hammerbacher said the application requests that the Town allow a full- service veterinary hospital in the the former Merita Bread facility. He said the hours of operation for the veterinary hospital would be Monday through Friday from 8:30 a.m. to 5:30 p.m., and the weekend hours would be from 8 a.m. to noon on Saturday only.

He said in the application's response to the findings of fact indicates that no more than two to three clients would be present at the facility at any given time.

Mr. Hammerbacher said staff and Planning Board recommend approval with conditions.

Councilman Dickson asked if the driveway to the adjacent property was still located on this site and was it being used by both property owners.

Ms. Sudano said that the driveway is a shared access for both properties.

With that explanation completed, Mayor Sears opened the public hearing to accept sworn testimony and qualified evidence. The following testimony was recorded: None.

There being no testimony, the public hearing was closed.

Councilmen Atwell and Dickson agreed that the site was a great location for a veterinary hospital and that it is good that businesses are staying within the Town.

**Action #1:** The Council approved a motion to make and accept the following findings of fact to be recorded in the minutes for Special Exception Use Petition 05-SEU-15 for Holly Springs Veterinary Hospital, located at 1050 N. Main St., as submitted by Patrick McCrory, DVM.

- a. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
- b. The proposed use will not injure or adversely affect the adjacent area;
- c. The proposed use will be consistent with the character of the district, land uses authorized therein, and the Town of Holly Springs Comprehensive Plan;
- d. The proposed use shall conform to all development standards of the applicable district (unless a waiver of such development standards is requested as part of the special exception use petition and approved as set forth above, in which case the proposed use shall conform to the terms and conditions of such waiver).

- e. Access drives or driveways are or will be sufficient in size and properly located to: ensure automotive and pedestrian safety and convenience, traffic flow as set forth in Section 7.09 – Pedestrian Circulation and Vehicular Area Design; and, control and access in case of fire or other emergency;
- f. Off-street parking areas, off-street loading areas, trash enclosures, trash pick-up and removal, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties and properties in the general neighborhood;
- g. The lot, building or structure proposed for the use has adequate restroom facilities, cooking facilities, safety equipment (smoke alarms, floatation devices, etc.), or any other service or equipment necessary to provide for the needs of those persons whom may work at, visit or own property nearby to the proposed use;
- h. Utilities, schools, fire, police and other necessary public and private facilities and services will be adequate to handle the needs of the proposed use;
- i. The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts; and,
- j. The type, size, and intensity of the proposed use (including but not limited to such considerations as the hours of operation and numbers of people who are likely to utilize or be attracted to the use) will not have significant adverse impacts on adjoining properties or the neighborhood.

**Motion by:** Womble

**Second By:** Atwell

**Vote:** Unanimous

*A copy of Special Exception Use application 05-SEU-15 entered into the record by the applicant and addressing the findings of facts is incorporated into these minutes as addendum pages.*

**Action #2:** Having made findings of fact that the project meets the requirements to be granted a Special Exception Use, the Council approved a motion to approve Special Exception Use 05-SEU-15 for Holly Springs Veterinary Hospital, located at 1050 N. Main St., as submitted by Patrick McCrory, DVM, with the following condition:

1. A UDO permit for sign installation in addition to all other applicable permits will need to be secured prior to any sign installation.

**Motion by:** Atwell

**Second By:** Dickson

**Vote:** Unanimous

The Council approved a motion to readmit Councilman VanFossen back to the meeting at this time.

**Motion by:** Atwell

**Second By:** Dickson

**Vote:** Unanimous

**6d. Public Hearing: 05-DP-09, Wildacre** - Mr. Hammerbacher said the Town had received development plan 05-DP-09 for Wildacre seeking approval of the subdivision of 417 acres into 1,107 residential lots. Mr. Hammerbacher said the development is broken down into 10 separate residential tracts, each tract with its own development standards, such as the lot sizes, setbacks, and the number of dwelling units.

Mr. Hammerbacher said the plan is proposing a total of 1,110 residential units, with 751 single-family detached lots and 359 attached units. He said the applicant would be required to submit a development plan and a public hearing held for the future 359 attached dwelling units, and a development plan for the future recreation site also would be required. He said the future multi-family dwelling units would be subject to R-MF-15 architectural standards.

Mr. Hammerbacher explained that the plan calls for 110 5,000-square-foot lots within an approximately 20-acre tract of the development, which accounts for ten percent of the overall lots. He said the average lot size within this tract would be approximately 5,700 square feet.

He said that a tract of 70 acres has a minimum lot size of 7,500 square feet while the average lot size within this tract is approximately 10,500 square feet with a total of 231 single-family detached lots.

The remaining single-family detached lots within the development would have a minimum lot size of 10,000 square feet or greater, and the average lot size for these tracts is 15,615 square feet with a total of 410 lots.

He said the plan notes that lots may be transferred from tract to tract, but the overall number of 5,000 square foot lots may not exceed ten percent of the overall development, and the total number of lots may not exceed 1,107.

Mr. Hammerbacher said that approximately 35 acres of the 417-acre development is within an area reserved by NCDOT for the future I-540 outer loop. He said the plan indicates that this area may be utilized as a temporary soccer field until construction of the eastern loop commences. The plan also indicates an approximately 70-acre tract to be utilized as open space located on the southwestern portion that may be dedicated to the Town as a public park.

Mr. Hammerbacher said staff and Planning Board recommend approval with conditions.

In discussion, Mr. Hammerbacher said the plan indicates that vinyl siding would not be permitted within the development. He said the plan also states that "mass grading and clear cutting within residential areas shall not cumulatively

exceed 35% of the total site area.”

There was much discussion among the Council regarding mass grading and clear cutting and how much property was considered 35% of the total site area.

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

Chuck Smith of Withers and Ravenel, 111 MacKena Drive, Cary – Mr. Smith clarified that the townhome area with 5,000-square-foot lots does not leave much room for trees, so mass grading would be necessary in those areas. He added that grading in those areas would damage root systems of the trees and would create a hazard of the trees falling on the houses.

Mr. Smith said that the engineer working on this project could monitor the clear-cutting of the development and submit a report of the percentages to town staff.

Karl Blackerly of 100 Weston Estates Way, Cary – Mr. Blackerly is the developer of Wildacre, and he assured the Council that he and the contractors would keep within the Town’s guidelines and conditions that the Council sets forth.

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

After further discussion it was determined that the Council would add a phrase to both to the findings of fact condition #6 and to motion number #5 as 8., j., to read, “The proposed development is appropriate to the site and its surroundings, and the existing grading and vegetation will be preserved in keeping with building practices, and mass grading and clear cutting within residential areas shall not cumulatively exceed 35% of the total site area.”

**Action #1:** The Council approved a motion to make and accept the following findings of fact to be recorded in the minutes for Development Plan Petition 05-DP-09 for Wildacre to allow for development incentives to be used in the R-10 residential zoning district as submitted by Withers & Ravenel, project number 204232, revised November 9, 2005.

1. The use of area properties will not be adversely affected.
2. The proposed development will be in compliance with the Minimum Development Requirements set forth in UDO Section 2.09, B.
3. The proposed development will be in compliance with the provisions of UDO Section 2.09, C., 1.
4. The proposed development will be in compliance with the Additional Development Requirements set forth in UDO Section 2.09, C., 2.
5. The proposed development will be in compliance with the applicable project open space requirements set forth in UDO Section 7.10 – Open Space Regulations of the UDO.
6. *The proposed development is appropriate to the site and its surroundings and the existing grading and vegetation will be preserved in keeping with building practices and mass grading and clear cutting within residential areas shall not cumulatively exceed 35% of the total site area.*
7. The proposed development is consistent with the policy statements of the Comprehensive Plan.
8. The proposed development is consistent with the intent and purpose of this UDO.

**Motion by:** Atwell

**Second By:** VanFossen

**Vote:** Unanimous

**Action #2:** Having made findings of fact that the project meets the requirements to be granted a waiver, the Council approved a motion to approve a Waiver of Regulations of UDO Section 2.04: R-10 Residential Districts to allow for the use of development incentives in the R-10 residential zoning district in conjunction with Development Plan Petition 05-DP-09 for Wildacre as submitted by Withers & Ravenel, project number 204232, revised November 9, 2005.

**Motion by:** Atwell

**Second By:** Womble

**Vote:** Unanimous

**Action #3:** The Council approved a motion to make and accept the following findings of fact to be recorded in the minutes for a waiver to allow lots 45 and 46 to front on three streets in association with Development Plan Petition 05-DP-09 for Wild Acre as submitted by Withers & Ravenel, project number 204232, revised November 9, 2005.

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

**Motion by:** Dickson

**Second By:** Womble

**Vote:** Unanimous

**Action #4:** Having made findings of fact that the Petition meets the requirements, the Council approved a motion to grant a Waiver of Regulations of UDO Section 7.06, A., 10., Lot Design and Public Place Reservation to allow lots 45 and 46 to front on three streets in association with Development Petition 05-DP-09, for Wild Acre as submitted by Withers & Ravenel, project number 204232, revised November 9, 2005.

**Motion by:** Dickson

**Second By:** Atwell

**Vote:** Unanimous

**Action #5:** The Council approved a motion to approve Development Plan 05-DP-09 for Wildacre as submitted by Withers & Ravenel, project number 204232, dated revised November 9, 2005, with the following conditions:

1. A UDO permit for sign installation in addition to all other applicable permits will need to be secured prior to any sign installation.
2. Developer agreement between the developer and the Town will be prepared for this project. The developer agreement should follow the same schedule so that both are reviewed by the Town Council at the same time.
  - a. It is anticipated that there will be a developer agreement negotiated for the project that will possibly include a Middle Creek bridge connection downstream, upstream and off-site sewer lines, and off-site right of way acquisition to accomplish other entrance locations.
  - b. The following items should be provided for preparation of the agreement: Provide a development schedule identifying how phasing will occur and timing of when access points will be constructed.
  - c. The developer is to convey  $\pm 25$  acres to the Town as specified, grade  $\pm 11$  acres for athletic fields, grant greenway easements for  $\pm 11,000$  feet of trail and construct the greenway trail. The remaining  $\pm \$100,000$  in fees will be used as contingency on the greenway construction. Specific details are to be worked out with the Director of Parks & Recreation.
3. Fee-in-lieu of downstream pump station upgrade will be required for this project.
4. The following items reflect information that has been provided to the Town as special studies associate with this project. This condition provides a status on the information provided as well as any additional information needed at this time. The final results of these studies may result in additional plan approval conditions and/or clarification to be added prior to Town Council action.
  - a. The TIA for this project has been received by the Town and is currently under review.
  - b. The hydraulic analysis has been received by the Town and is under review.
  - c. The sewer report has been received by the Town and is under review:
    - i. A sealed sewer report will need to be provided that uses the interceptor sewer flow information (field collected) that was provided to the applicant on 10/24/05 as a baseline to confirm line size capacities.
    - ii. Taking the Turner Road Pump Station off-line should be evaluated with the sewer report.
5. This lot layout is approved with the understanding that coordination with Progress Energy will be made to relocate the transmission lines. If lot or street layout is affected by this relocation an amendment will be required.
6. The temporary pump station as shown on the plans (Lot 52 in Tract A) only be used if gravity sewer service is not achieved via the developer agreement.
7. Prior to final plat, the following must be completed:
  - a. Payment of fees-in-lieu of land dedication in the amount of \$874/unit.
  - b. Covenants shall be submitted which document the maintenance of all required landscape buffers and open space.
  - c. The developer will meet with Planning & Zoning staff to ensure that the provisions of §2.09, 2., d., (2), (b), (i) Interior Streetscapes of the UDO, for the establishment of a variable building line are provided for on the plat.
8. The following items are to be included with 1<sup>st</sup> construction drawing submittal (later in the approval process):
  - a. Provide supporting calculations for drainage.
  - b. Verify amount of environmental impacts and if an Individual Permit (IP) will be required. Also, provide information for when the IP will be secured. Per discussion in developer's conference, this will need to be secured before approval of first set of construction drawings.
  - c. Field location of tiger salamander breeding pool #9 and shown in the Goldstein Study will need to be shown on construction drawings as well as notes reflecting Goldstein Study recommendations stated in the August 10, 2000 report (Section 4, number 2 & 3).
  - d. A public access will need to be provided via the future townhome site to the Stephenson Property. Public right of way stub to the McQueen property will also be required with Tract H submittal.
  - e. NCDWQ letter dated 9/9/2005 indicates salamander larvae present in feature A. Due to the sensitive Eastern Tiger Salamander habitat area located adjacent to the project, please verify genus and species of salamanders present in the site to see whether or not the habitat area needs to be expanded.
  - f. Public easement will be required for water line along Heritage Meadows Lane.

- g. Confirm that the ability to use the private access easement for the development of Tract K. Provide documentation to verify this with 1<sup>st</sup> construction drawing submittal.
- h. A preliminary flood study has been reviewed by the Town and comments forwarded to the applicant. An updated flood study will need to be submitted reflecting updated field surveyed data and addressing comments made during flood study review.
- i. Provide documentation of all required offsite sewer easements.
- j. *The proposed development is appropriate to the site and its surroundings and the existing grading and vegetation will be preserved in keeping with building practices and mass grading and clear cutting within residential areas shall not cumulatively exceed 35% of the total site area."*

**Motion by:** VanFossen

**Second By:** Womble

**Vote:** Unanimous

**6e. Public Hearing: Annexation Ordinance A05-17** – Mr. Jones explained that the Town has received a petition for voluntary annexation of 367.49 acres located along Sunset Lake Road. He said the petition meets all the statutory requirements for annexation.

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 adopt Annexation Ordinance A05-17 annexing 367.69 acres owned by Holly Springs Investors, LLC, and more particularly described as Wake County PIN(s): 0750-40-7764; 0750-05-0386; 0659-48-4201; 0659-68-4048; 0659-69-8180; 0659-79-9030; 0659-78-8047; 0659-87-5798; 0659-89-6136; 0659-58-7662; 0659-59-4355; 0659-58-4670; 0759-58-2742; 0750-50-6300; 0659-59-0061, into the corporate limits of the Town of Holly Springs.

**Motion by:** VanFossen

**Second By:** Atwell

**Vote:** Unanimous

*A copy of Annexation Ordinance A05-17 is incorporated into these minutes as addendum pages.*

Councilman VanFossen asked town staff, regarding the Wildacre development plan, if a traffic study for Sunset Lake Road would be completed and would Sunset Lake Road be widened along with the development.

Ms. Sudano reviewed with the Council members the street connection from Wildacre to Sunset Ridge, and the developer is to install turning lanes on Sunset Lake Road as indicated on the plan.

**6f. Public Hearing: Annexation Ordinance A05-18** – Mr. Jones explained that the Town has received a petition for voluntary annexation of 15.995 acres being developed as Phase 7b of Sunset Ridge, PUD II. The petition meets all the statutory requirements for annexation.

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 adopt Annexation Ordinance A05-18 annexing 15.995 acres owned by Sunset Forest, LLC, and more particularly described as Wake County PIN: 0659.01-27-3007, into the corporate limits of the Town of Holly Springs.

**Motion by:** Womble

**Second By:** Dickson

**Vote:** Unanimous

*A copy of Annexation Ordinance A05-18 is incorporated into these minutes as addendum pages.*

**7. Consent Agenda:** All items on the Consent Agenda were approved following a motion by Councilman Dickson, a second by Councilman Atwell and a unanimous vote. The following actions were affected:

6a. Minutes - The Council approved the minutes of the Council's regular meeting held on Nov. 15, 2005.

6b. Parks and Recreation Advisory Committee Appointment – The Council appointed Wanda Holloway, 216 Round About Road, to the Parks and Recreation Advisory Committee to fill a vacancy and serve the term which expires June 30, 2007.

6c. Set Special Town Council Meeting - Friday, Dec. 30, 2005 – The Council set a special meeting for noon Friday, Dec. 30, 2005, for the purpose of holding a public hearing on financing of the cultural center project and authorizing application to the Local Government Commission..

6d. Budget Amendment, \$40,000 – The Council adopted an amendment to the FY 2005-06 budget in the amount of \$40,000 to pay for meter change-out in the Sunset Ridge area. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

**8a. Bass Lake Retreat Center Rental Fee Packages** – Mr. Barnard asked the Council to approve rental fees for weddings

and business meeting packages at the Bass Lake Retreat Center.

Mr. Barnard said that most weddings occur on weekends with users renting the center on Friday for 3+ hours for rehearsal and again on Saturday for 3+ hours for the wedding. He said that due to the facility's being available for rental the remaining hours of the weekend by other parties, decorations and any rented equipment must be removed, room setup changed, cleanup performed, etc. for each activity or rental. He said complications also occur when users go over their allotted time by arriving or staying later than the contracted rental time.

Mr. Barnard explained that with the proposed Rehearsal/Wedding Weekend Package clients pay a flat fee, room deposit, alcohol deposit if served, and an after-hours fee if applicable. The flat fee includes the use of the conference room, deck, kitchen, and audio/visual equipment. He said the fee includes the setup and take-down of the conference room for the rehearsal dinner and reception using the center's tables and chairs. The center's tables and chairs are not available for use on the deck. He said the clients may provide tables and chairs obtained from an outside source for use on the deck, but staff is not responsible for the setup and take-down. He said the rental time would start at noon on Friday and end at noon on Sunday. The fee for residents would be \$1,000 and for non-residents, \$1,200.

Mr. Barnard explained the second part of the request is for business meetings. He said business groups currently renting the Bass Lake Retreat Center during weekday hours pay the same rental rate as groups booking the facility at nights and on weekends. He said to accommodate local businesses, increase usage of the facility during the work week, and to generate more revenue during business hours, staff is proposing a Bass Lake Business Meeting package.

He said the package would include the setup and use of the conference room and audiovisual equipment from 8 a.m. to 5:00 pm, Monday through Friday. The fee would be \$150 per day for residents and \$180 per day for non-residents. The business package would be available only during the days and hours specified, no nights, weekends or holidays.

The Council expressed that Mr. Barnard was doing a great job with the Bass Lake Retreat Center and with coming up with new ideas to increase the Town's revenue.

Councilman DeBenedetto asked if the fees the Bass Lake Retreat Center receives throughout the year make the Center self-sufficient.

Mr. Barnard said he is not sure that the Center is at the point of self-sufficiency.

**Action:** The Council approved a motion to approve the Weekend Rehearsal/Wedding and Weekday Business Meeting rental packages for Bass Lake Retreat Center.

**Motion By:** Dickson

**Second By:** VanFossen

**Vote:** Unanimous

**8b. General Obligation Refunding Bonds** - Mr. Holland explained to the Council that his office is recommending that the Council introduce and adopt a Bond Order authorizing the issuance of General Obligation Refunding Bonds of the Town of Holly Springs in an aggregate principal amount of up to \$3,200,000 for the purpose of refunding previously-issued GO Bonds, Series 1991, 1994 and 1997.

Mr. Holland asked the Council to consider adopting Resolution 05-56 setting a public hearing on the Bond Order and directing publication of the Bond Order for up to \$3,200,000 GO Refunding Bonds and giving notice of the public hearing.

**Action #1:** The Council approved a motion to adopt on first reading a BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE TOWN OF HOLLY SPRINGS IN AN AGGREGATE PRINCIPAL AMOUNT OF UP TO \$3,200,000 FOR THE PURPOSE OF REFUNDING PREVIOUSLY ISSUED GENERAL OBLIGATION BONDS, SERIES 1991, 1994 AND 1997. Councilman Atwell moved to approve and Councilman Dickson seconded the motion. The vote upon the final passage of said order was:

**Ayes:** 5

**Nays:** -0-

**Not Voting:** -0-

Mayor Sears announced that the order titled, "BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE TOWN OF HOLLY SPRINGS IN AN AGGREGATE PRINCIPAL AMOUNT OF UP TO \$3,200,000 FOR THE PURPOSE OF REFUNDING PREVIOUSLY ISSUED GENERAL OBLIGATION BONDS, SERIES 1991, 1994 AND 1997," had been adopted.

**Action #2:** Thereupon Mayor Sears introduced Resolution 05-56, a copy of which had been provided to each Council Member and which was read by its title and, upon motion of Council Member Atwell, seconded by Council Member Dickson, Resolution 05-56 as printed below and titled, "RESOLUTION PROVIDING FOR PUBLIC HEARING ON BOND ORDER FOR UP TO \$3,200,000 GENERAL OBLIGATION REFUNDING BONDS AND PUBLICATION OF BOND ORDER AND NOTICE OF HEARING AND OTHER ACTION" was passed by the following vote:

**Ayes:** 5

**Noes:** 0



**RESOLUTION PROVIDING FOR PUBLIC HEARING ON BOND ORDER  
FOR UP TO \$3,200,000 GENERAL OBLIGATION REFUNDING BONDS  
AND PUBLICATION OF BOND ORDER AND NOTICE OF HEARING  
AND OTHER ACTION**

**WHEREAS**, There has been introduced to the Town Council of the Town of Holly Springs a Bond Order entitled, "BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE TOWN OF HOLLY SPRINGS IN AN AGGREGATE PRINCIPAL AMOUNT OF UP TO \$3,200,000 FOR THE PURPOSE OF REFUNDING PREVIOUSLY ISSUED GENERAL OBLIGATION BONDS, SERIES 1991, 1994 AND 1997; and,

**WHEREAS**, G.S. § 159-54 provides there shall be a public hearing on each Bond Order and G.S. § 159-56 provides for publication of the Bond Order and notice of the hearing;

**NOW THEREFORE**, the Town Council of the Town of Holly Springs, meeting in regular session at Holly Springs, North Carolina, on December 20, 2005, does the following:

**BE IT RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF HOLLY SPRINGS:**

1. A public hearing on the Bond Order shall be held on January 3, 2006, at 7:00 p.m. in the Town Council Chambers of the Holly Springs Town Hall, 128 South Main Street, Holly Springs, North Carolina 27540.
2. The Town Clerk shall cause the Bond Order, with a statement appended in form described by G.S. § 159-56, to be published in the *Fuquay-Varina Independent* or other appropriate newspaper one time not less than six days prior to such hearing date, and all such acts heretofore taken by Town representatives to accomplish such publication are hereby approved and ratified.
3. The Finance Officer is hereby designated to file the statement of debt required by G.S. § 159-55.
4. The completed form of application to the Local Government Commission with respect to the proposed bonds is hereby approved.
5. This resolution shall take effect immediately.

Adopted this, the 20<sup>th</sup> day of December, 2005.

*A copy of the Bond Order and Resolution 05-56 are incorporated into these minutes as addendum pages.*

**9. 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. None.

**10. Other Business:** None.

**11. Manager's Report:** Mr. Dean reported that Adam Lindsey, the town's project analyst will be leaving the Town to work with Rockingham County. Mr. Dean said that Joni Powell and Barb Koblich did a good job on the parade.

Councilman Womble requested that public safety officers on patrol notify the public works department of any Christmas lights that are not working. Mr. Womble reported that the Christmas lights from Hickory Street to Maple Street are not working and asked staff to report it to public works.

Mayor Sears thanked Joni Powell for her hard work and great job regarding the Mayors Association Christmas party. He said that he has received many positive responses from the other towns that attended.

**12. Closed Session** - The Council approved a motion to enter into Closed Session, pursuant to G.S. 143-318.11(a)(4) to discuss an economic incentive opportunity with a new business.

**Motion By:** Atwell

**Second By:** Womble

**Vote:** Unanimous

**General Account of Closed Session – Dec. 20, 2005**

In Closed Session, Mr. Dean updated the Council on the status of a potential new business. No action was taken by the Town Council.

**-- End General Account**

**Action:** The Council approved a motion to return to Open Session.

**Motion By:** Dickson

**Second By:** Atwell

**Vote:** Unanimous.

**13. Adjournment:** There being no further business for the evening, the Dec. 20, 2005, meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Dickson, a second by Councilman Atwell and a unanimous vote.

Respectfully Submitted on Tuesday, Jan. 17, 2006.

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Linda R. Harper, CMC, Deputy Town Clerk

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