



Jan. 19, 2016

## MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Jan. 19, 2016 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 all five council members were present as the meeting opened.

**Council Members Present:** Mayor Sears, Councilmen James Cobb, Tom O'Brien and Hank Dickson and Councilwomen Linda Hunt-Williams and Cheri Lee.

**Council Members Absent:** None.

**Staff Members Present:** Charles Simmons, town manager; Daniel Weeks, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk, (recording the minutes); Linda Harper, deputy town clerk; Eric Taylor, information technology technician; Mary Hogan, finance director; Len Bradley, parks and recreation director; Adam Huffman, assistant parks and recreation director; Gina Clapp, planning and zoning director; Sean Ryan, planner; Leroy Smith, fire chief; John Herring, police chief; Kendra Parrish, director of engineering; Elizabeth Goodson, development review engineer; Aaron Levitt, senior engineer; Dirk Siebenbrodt, project engineer; Tamara Ward, communications specialist and Mark Andrews, public information officer.

**Planning Board Members Present:** Tom Hughes, Matt Johnson, William Rousseau, Robert Bartsch and Ernie Carpico. A quorum of the planning board was established for the purposes of a joint public hearing.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Tom Newman, pastor of Sunrise Methodist Church.

**4. Agenda Adjustment:** The Jan. 19, 2016 meeting agenda was adopted with changes, if any, as listed below.

**Motion by:** Cobb

**Second by:** Dickson

**Vote:** Unanimous

**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 comments were recorded:

Robert English, 312 Trayeson Drive – Mr. English addressed the Council regarding the basketball courts at North Main Athletic Complex. He said the curbing that exists in the parking lot is dangerous. He said outdoor facilities for basketball in Holly Springs are lacking. He asked the Council to consider opening the Hunt Center gym up for open play more often, too.

**6a. Public Hearing: Comprehensive Plan Amendment, 15-CPA-03** - Mr. Ryan said the Town has received a request to change the future land use designation of a 7.51-acre parcel located in the northern part of the Town's jurisdiction where the Town of Holly Springs, Town of Apex, and Town of Cary jurisdictions come together. The property currently contains a mobile home park.

The request for this amendment is two parts:

- **Part 1:** Add the designation of Very High Density Mixed Use to the Northeast Gateway Plan.
- **Part 2:** Change the future land use designation of the subject parcel from Mixed Use to High Density Mixed Use.

He said the proposed land use change would not change the current zoning of the property, which is LB Local Business. However, the proposed change could allow a mixed use project to have a higher residential density (15 units per acre as opposed to 8 units per acre) if the amendment is approved.

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

Jeff Peterson, Peterson Property LLC, Cary – Mr. Peterson said the applicants are looking for the higher density designation because they feel they can provide a nice project with the change.

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

**Action:** The Council approved a motion to adopt Resolution 16-01 to adopt Holly Springs Comprehensive Plan Amendment #15-CPA-03 to add the text of Very High Density Mixed Use and to change the Northeast Gateway designation of 7.51 acres of Wake County PIN 750721531 from Mixed Use to Very High Density Mixed Use as submitted by CVF Architects.

**Motion by:** Williams

**Second by:** Cobb

**Vote:** Unanimous.

*A copy of Resolution 16-01 is attached to these minutes.*

**6b. Joint Public Hearing: 05-PUD-01-A02, Main Street Square Amendment** – Mr. Ryan said the Town has received a request to modify the Main Street Square Planned Unit Development (PUD,) which is located at the intersection of South Main Street and G.B. Alford Highway. The proposed amendment is to change the minimum front building setback requirements for all structures located in the Neighborhood General District. The Neighborhood General District is intended to allow for single-family and multi-family residential housing and limited commercial/retail uses.

He said the applicant has proposed to change the minimum front building setback from a minimum of five (5) feet to a range of minimum zero (0) feet to maximum eight (8) feet.

The Neighborhood General District consists of previously-approved Main Street Square Development Plans for Elements F, G, and B and is approved in all three elements for townhomes. Elements F and B are partially completed; however, Element G has not started construction.

Due to the complexities of a PUD, the official action process is different than typical projects. This meeting is a joint public hearing with the Planning Board so that it also may hear any concerns or issues raised prior to making a recommendation on the project. After you receive public input, the action will be to forward the PUD Master Plan to the Planning Board. It will review the request at its next meeting and make its recommendation and then the Plan will be brought back to the Town Council for official action.

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

Marty Bizzell of Bass, Nixon and Kennedy Engineers – Mr. Bizzell said the request is being made because a new developer in the project would like the flexibility so that a deeper townhome product can be built.

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

**Action:** The Council approved a motion to forward Major Planned Unit Development Amendment #05-PUD-01-A02 for Main Street Square PUD to the Holly Springs Planning Board for review and recommendation at its regularly scheduled meeting Jan. 26, 2016.

**Motion by:** Dickson

**Second by:** Cobb

**Vote:** Unanimous.

**7a. Cemetery Improvement Plan and Maintenance Policy Update** – Ms. Goodson explained since adoption of the cemetery policy by the Town Council Oct. 6, staff has been working to inform the current plot owners of the new regulations and to begin implementing the new policy.

A letter was sent to all known plot owners and provided them with a copy of the policy as well as the revised fees that were modified with the new budget year in July. They were informed that they had until March 15 to remove any personal items at their plot that were not in conformance with the new policy.

In addition, staff is working to install a sign at the cemetery to direct visitors where additional information can be obtained. We also are working on updating the website to include this policy information.

She said staff is seeking a third-party company to maintain the cemetery and oversee that the policy is upheld. In the interim, the Parks & Recreation Department continues to oversee the Town's maintenance contract for general maintenance at the cemetery.

The site improvements, including paving the access drive, is to be advertised for a spring bid award so that paving can be completed, Ms. Goodson said.

**Action:** None.

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

**8a. Minutes** – The Council approved minutes of the Town Council's meetings held Dec. 15, 2015 and Jan. 5, 2016.

**8b. Budget Amendment Report** – The Council received monthly report of budget amendments approved by the town manager. *A copy of budget amendment report is attached to these minutes.*

**8c. Budget Amendment** - The Council adopted an amendment to the 2015-16 budget to cover repairs made to a force main in Holly Springs Business Park. *A copy of budget amendment is attached to these minutes.*

**8d. North Main Athletic Complex, Phase 2** – The Council received report of change orders in the construction contract for North Main Athletic Complex Phase 2.

**9a. Reclaimed Water Study** – Ms. Parrish said the Town's reclaimed water master plan (2001) and reclaimed water engineering report (2006) are out of date and in need of an update.

While these plans and studies focused on development of reclaimed water infrastructure around the business park and east of the bypass, the new report would include these areas and also include a focus on the area north to U.S. Highway 1 and west of the Shearon Harris nuclear plant. As a part of this study, key reclaimed infrastructure components would be identified in the master plan, similar to the way water and sewer infrastructure is identified, and would allow the Town to provide developers a clear picture of the components and costs necessary for projects within the service area.

In addition to the change in service area, reclaimed water regulations have evolved in a way that may make reclaimed water attractive to new potential users. As part of this plan, potential users would be identified, and these utilization site's effects on the system can be planned for to ensure that as our system grows, it would provide adequate flows and pressures throughout the new service area.

The new reclaimed master plan would come in the form of an ArcGIS system layout along with construction costs and a report that builds upon the 2006 reclaimed water engineering report

**Action:** The Council approved a motion to retain Davis-Martin-Powell & Associates, Inc. for \$36,640 to update the Town's reclaimed water master plan and engineering report.

**Motion by:** Lee

**Second by:** Cobb

**Vote:** Unanimous.

**9b. Main Street / Avent Ferry Road Improvement Project** – Ms. Parrish said that staff opened bids Dec. 14, and the apparent lowest bidder was Fred Smith Company.

She said the project came in over budget; therefore, the Town is in active discussions to obtain additional funds from North Carolina Department of Transportation / Capital Area Metropolitan Planning Organization (NCDOT/CAMPO.) She said conditional award highlights the pending decision on additional funding.

NCDOT also needs to review the bid packages to concur that Fred Smith Company is the lowest, responsible and responsive bidder. To forward the package, the Town needs a Council resolution of conditional award.

Ms. Parrish said that also note that the water and sewer line items were removed from this award in the amount of \$356,870 due to NCDOT regulations for ineligible expenses.

Councilman Dickson asked about the overview and approval of additional costs that might arise during the project,

Ms. Parrish said with NCDOT oversight of the project and contract, change orders are heavily scrutinized on several levels and rarely are a problem. She added NCDOT project managers have reported that the agency has had only good experience with the subject company.

Councilman Dickson said, because the project is so important and delays would be so detrimental, he asked if a contract change order were denied by NCDOT, would the project be impacted.

Mr. Schifano said that a bond is in place in which if the project is halted, then the Town and NCDOT would tap into the bond and hire another contractor to finish the project.

**Action #1:** The Council approved a motion to adopt Resolution 16-02 awarding construction contract for the Main Street Extension and Avent Ferry Road / Bypass Intersection Improvements projects to Fred Smith Company in the amount of \$8,403,030, subject to concurrence and additional funding of at least \$1.75 million for the project by NCDOT.

**Motion by:** O'Brien

**Second by:** Cobb

**Vote:** Unanimous.

*A copy of Resolution 16-02 is attached to these minutes.*

**Action #2:** The Council approved a motion to authorize a project budget in the amount of \$9,243,333, which includes a 10% project contingency.

**Motion by:** Cobb

**Second by:** Dickson

**Vote:** Unanimous.

**9c. 12 Oaks Force Main Project** – Mr. Levitt said that a leak in the sewer force main south of Green Oaks Parkway and north of the Utley Creek Water Reclamation Facility was detected and repaired by the Public Works Department and Sanford Contractors in November.

This 1,500 linear foot length of 18-inch force main conveys sewage from the 12 Oaks pump station to the Utley Creek Water Reclamation Facility.

Approximately 100 feet of ductile iron cement coated pipe was removed and replaced as part of an emergency repair. During the repair the 12 Oaks pump station was shut down, and sewage was removed via pump and haul contractors.

As we have seen with other cement coated ductile iron force mains installed in parts of town, when the pumps turn off the flow of wastewater drains from the pipe leaving the inside of the pipe exposed to corrosive gases within the line, chemically attacking the ductile iron until failure. The failed pipe that was removed was in poor condition and repair efforts were stopped once a suitable section of pipe was reached. The suitable pipe also was in poor condition; however, it was intact and was determined to be acceptable for the short term until a full scale repair could be made.

He said engineering staff completed plans for the full scale repair of this reach of pipe. The repair consists of a temporary bypass line along with the replacement of the 1,500 linear feet of

existing pipe in place. Further, the material for the new pipe is PVC, which is resistant to sewer gases. **Note:** the Engineering Design and Construction Specifications recently were revised to eliminate the use of non-coated ductile iron pipes in similar applications.

He said surveying, design, and construction administration for this repair project will be completed by town staff and has reduced the cost significantly overall. In an effort to handle this sensitive repair in a timely manner construction work would be performed by Sanford Contractors as a change order to the Earp Street force mains project which was of a similar scope.

**Action:** The Council approved a motion to authorize a contract change order with Sanford Contractors to add the replacement of the 12 Oaks force main for \$273,902.51 and to approve funding in the amount of \$300,000, inclusive of contingency.

**Motion by:** Williams

**Second by:** Dickson

**Vote:** Unanimous.

**9d. Planning Board and Board of Adjustment Appointments** – Ms. Clapp said on the last day of February of each year, the terms of several members of the Board of Adjustment and Planning Board expire. The Town Council is responsible for the appointment of “in-town” members to the Holly Springs Board of Adjustment and Planning Board. Extraterritorial jurisdiction (ETJ) members are appointed by the Wake County Board of Commissioners (WCBOC) upon Town Council recommendations.

The Town Council is asked to review the applications for the vacancies and at the Town Council’s discretion appoint new members to the respective boards or re-appoint interested members. The terms will be for three years from March 1, 2016 to February 28, 2019.

This year’s vacancies are as follows:

Board of Adjustment - 2 in-town members and 1 in-town alternate member

Planning Board - 2 in-town members

In addition, in accordance with the Unified Development Ordinance (UDO), any member with a pattern of absenteeism or partial participation in regular or special meetings may be removed by the Town Council at its discretion. In the event that a member is terminated, the Town Council shall promptly appoint a new member to fill the remainder of the vacated term.

The applications that were submitted for this year's consideration were sent to the Town Council under separate cover in December along with the past three years of attendance records.

Council members agreed that the field of applicants was very strong and that the decisions were difficult because the applicants were so qualified.

#### **Board of Adjustment:**

**Action:** The Council approved a motion to reappoint Richard Madoni and appoint Jennifer Jones as in-town members of the Board of Adjustment with terms of March 1, 2016 through February 28, 2019 and appoint Jay Morinko as an in-town alternate member of the Board of Adjustment with a term of March 1, 2016 through Feb. 28, 2019.

**Motion by:** Dickson

**Second by:** Cobb

**Vote:** Unanimous

#### **Planning Board**

**Action:** The Council approved a motion to reappoint Ernie Carpico and appoint Peter Villadsen as in-town members of the Planning Board with terms of March 1, 2016 through Feb. 28, 2019.

**Motion by:** Cobb

**Second by:** Dickson

**Vote:** Unanimous

**10. Other Business:** None that resulted in Council action.

**11. Manager's Report:** None that resulted in Council action.

**12. Closed Session:** None.

**13. Adjournment:** There being no further business for the evening, the Jan. 19, 2016 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, Feb. 2, 2016.

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

