



June 7, 2016

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, June 7, 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 four 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; Mary Hogan, finance director; Jeff Wilson, information technology director; Len Bradley, parks and recreation director; Adam Huffman, assistant parks and recreation director; Gina Clapp, planning and zoning director; John Herring, police chief; Leroy Smith, fire chief; Kendra Parrish, director of engineering; Aaron Levitt, senior engineer; Elizabeth Goodson, development review engineer; Sean Ryan, planner; Jenny Mizelle, economic development director; Irena Krstanovic, economic development coordinator; Darin Eyster, stormwater administrator; Daniel Colavito, environmental specialist; Tamara Ward, communications specialist; and Mark Andrews, public information officer.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Mayor Sears

4. Agenda Adjustment: The June 7, 2016 meeting agenda was adopted with changes, if any, as listed below.

Changes: None.

Motion by: Cobb

Second by: Dickson

Vote: Unanimous

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:

Don O'Neal, 5815 Sunset Lake Road – Mr. O'Neal said he received notice that he would have to join the city limits and hook onto town utilities and close his water well, costing him about \$10,000. Upon checking, it was determined that Mr. O'Neal received a notice of rezoning for the Town's expanded extraterritorial jurisdiction, to which he is adjacent property owner. His property is not affected, and he was pleased to hear this.

6a. Holly Springs Food Cupboard – Ms. Tammie Sellman, secretary of the Holly Springs Food Cupboard, addressed the council with an update on programs and activities and to thank the Town for its support with the grant that was awarded to HSFC.

Mayor Sears recognized retired board member Carol Moran, founder of HSFC, with a Letter of Commendation for her passion and initiative that created the HSFC six years ago.

Action: None.

7a. PUBLIC HEARING: FY 2016-17 Budget Ordinance 16-07 – Mr. Weeks said the Council members have received their copies of the manager’s proposed FY 2016-17 budget for the Town. He said at the May 17 budget workshop Council discussed revenues and expenditures and made no major changes to the budget proposal.

Mr. Weeks reported that the budget is based upon a tax base of just over \$4 billion. On that value, a revenue-neutral tax rate of 43.25 cents per \$100 valuation is proposed.

New positions are proposed to get the Town back to pre-recession levels of 2007-08. A slide presentation described capital outlay needs and capital improvement projects that are in progress and that are being planned.

No utility fund rate increases are being proposed, Mr. Weeks said.

He said the Council will receive public comment on the budget proposal, which has been available for public inspection in the Clerk’s office and online since May.

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

Action: The Council approved a motion to adopt Ordinance 16-07 establishing the FY 2016-17 operating budget for the Town of Holly Springs.

Motion by: Cobb

Second by: Dickson

Vote: Unanimous

A copy of Ordinance 16-07 is attached to these minutes.

At this time, Councilmen Dickson and Cobb asked to be recused to avoid the appearance of impropriety due to their professional associations with property owners impacted by the ETJ expansion and rezoning.

Motion by: Williams

Second by: Lee

Vote: Unanimous

7b. PUBLIC HEARING: Town’s Extraterritorial Jurisdiction (ETJ) Zone Map Change Petition

#15-REZ-07 – Ms. Capp said in April 2015, the Holly Springs Town Council adopted a resolution to request an extension of the Holly Springs Extraterritorial Jurisdiction from the Wake County Board of Commissioners. On April 18, 2016, the Wake County Board of Commissioners granted an ETJ extension of approximately 710 parcels totaling approximately 6,125 acres effective on June 17, 2016 (60 days from official action, in accordance with NCGS.) For the Town of Holly Springs to begin applying Town zoning and building code regulations to these parcels on the effective date, the Town must assign zoning to the parcels.

In accordance with the Town of Holly Springs Unified Development Ordinance Section 1.20, H., “All real property annexed into the Town of Holly Springs or added to the Town of Holly Springs’ extra-territorial jurisdiction after the effective date of this UDO shall be considered zoned to the R-30 District of this UDO.”

However, as we have offered property owners in previous ETJ extensions, if a property owner had been granted a more intensive zoning of their land by the Wake County Board of Commissioners, we offer an opportunity for those property owners to submit a request to have their land zoned to an equivalent Holly Springs zoning district at the time of zoning assignment. The Town has received two such requests. In addition, the Town of Holly Springs has submitted a request to rezone six parcels associated with an economic development property to another zoning district as a part of this zoning assignment.

Ms. Krstanovic addressed the Council to report that if the research and technology zoning is applied, the Town would have the only state-certified industrial site of more than 200 acres in the County. This would give the Town a tremendous competitive edge.

Ms. Clapp reported that the Planning Board had reviewed the rezoning request. During its review, the Planning Board had a lively discussion and considered two motions.

Several members of the Planning Board were concerned regarding the proposed modification of the five parcels owned by private individuals (other than Duke Progress) at the corner of Green Oaks Parkway and New Hill – Holly Springs Road to be zoned to RT: Research & Technology instead of R-30: Residential due to potential tax impacts that this may have.

The Planning Board also discussed the Town's Comprehensive Plan and all agreed that the zoning including the proposed zoning for the parcels at the corner of Green Oaks Parkway and New Hill – Holly Springs Road is in conformance with the Town's Comprehensive Plan that has this designated as Business Park.

Mr. Tom Hughes addressed the Council as chairman of the Planning Board and explained the board's discussion and actions.

Councilwoman Williams asked if the five parcels were necessary for the industrial site and staff responded that they were.

She asked about property owner fears that a non-residential zoning designation would increase taxes. Staff responded that zoning change impacts on property values are not known.

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

Ms. Clapp read into the record an email she received from Chris McDonald, site manager of the Seqirus site. It reads:

"Seqirus is in support of this proposal. Seqirus would not be supportive of this land's being rezoned as residential. Seqirus (formerly Novartis) chose this site for many reasons, but one of them was the location inside of an industrial park rather than a residential community. Our manufacturing site, which is one of the largest biotechnology sites in the country, operates on a 24/7 schedule with high traffic of employees and delivery trucks throughout the evening, which is not conducive with being collocated with residential housing developments adjacent to its property," Mr. McDonald states.

Anita Neville, Durham -- Ms. Neville said she and her siblings are affected by the rezoning proposal. She said historically the property was farmland. She said the property is listed for sale and it seems there are residential developers interested in the property, but no one is interested in non-residential. She asked the Council to consider this and her family's efforts to sell the property in their decision.

James Terrance, Copperhead Road, Apex -- Mr. Terrance asked how long would it be before his property would be annexed. Council members and staff said there would be no plans to annex any of the property in the ETJ. The town attorney added that it is not the policy of the Town to annex property unless the property owners voluntarily request it.

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

In response to Ms. Neville's concerns, Councilman O'Brien said it is a tough decision. If this land is best suited for non-residential development and it would be more beneficial to the Town, then it should be zoned non-residential; however, the family wants to sell to a willing residential developer, and the rezoning would frustrate their intent.

Councilwoman Williams said she felt the Council has to look at the whole area, and she feels the property would be less valued as a residential development nestled between the Business Park and property owned by Duke Energy.

Councilman O'Brien agreed.

Action #1: The Council approved a motion to accept the following statement as being true: *"The requested zone map change from Wake County Zoning to Holly Springs Zoning is consistent with Vision Holly Springs: Town of Holly Springs Comprehensive Plan in that the addition of land to the Holly Springs ETJ will assist the Town to further Plan in Context with our neighbors, implement the Town's vision, and to be able to apply the Future Land Use Objectives as these properties change use and are developed in the years to come."*

Motion by: Williams

Second by: O'Brien

Vote: Unanimous

Action #2: The Council approved a motion to adopt ordinance 15-REZ-07 to accept approximately 6,125 acres of Extraterritorial Jurisdiction from Wake County and to approve and enact Zone Map Change Petition #15-REZ-07 to assign the zoning of approximately 6,125 acres as indicated on "Zoning Map, May 2016" as presented by the Town of Holly Springs effective June 17, 2016.

Motion by: Williams

Second by: O'Brien

Vote: Unanimous

A copy of Zoning Ordinance 15-REZ-07 is attached to these minutes.

Motion: The Council approved a motion to readmit Councilmen Dickson and Cobb into the meeting.

Motion by: Lee

Second by: O'Brien

Vote: Unanimous

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

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

8b. Approved Contracts Report– The Council received a report of contracts approved by the town manager.

8c. Wake County Emergency Management Mutual Aid Agreement - The Council approved entering into a mutual aid agreement with Wake County Emergency Management.

8d. Budget Amendment – The Council adopted an amendment to the FY 2016-17 budget in the amount of \$30,000 to accept sponsorships for 20th Anniversary parks and recreation expenses.

8e. Cultural Center Cleaning Services Contract – The Council approved to enter into a one-year contract with ARL Building Services for the cleaning of the Cultural Center for FY2017.

8f. July 5th Fireworks Contract – The Council approved to enter into a contract with East Coast Pyrotechnics, Inc. in the amount of \$20,000 for the July 5 fireworks display.

8g. Budget Amendment, \$10,983.18 - The Council adopted an amendment to the FY2015-2016 budget to realize \$10,983.18 in insurance proceeds and increase the Park & Field Maintenance Capital Outlay Equipment line item.

8h. T.A. Loving Contract Change Order – The Council approved reduction contract change order with T.A. Loving for the Sunset Lake and Main Street Signal.

8i. Resolution 16-14 – The Council adopted Resolution 16-14 declaring certain personal property surplus to the needs of the Town. *A copy of Resolution 16-14 is attached to these minutes.*

8j. Resolution 16-15 – The Council adopted Resolution 16-15 declaring certain vehicles surplus to the needs of the Town. *A copy of Resolution 16-15 is attached to these minutes.*

8k. Infrastructure Reimbursements Agreements and Surety Estimates – The Council adopted policy on unit cost pricing for improvements.

8l. Force Main Replacement Contract – The Council approved funding and award contract in the amount of \$46,180 for engineering services for force main replacement to Diehl and Phillips, PA.

8m. 911 Backup PSAP Services Agreement – The Council approved to enter Memorandum of Agreement between the Town of Holly Springs and Raleigh/Wake 911 for backup PSAP services.

8n. Wake Transit Planning Advisory Committee Appointment – The Council appointed Councilman Jimmy Cobb to represent Holly Springs on the Wake Transit Planning Advisory Committee.

80. Resolution 16-16 – The Council adopted Resolution 16-16 to approve the relocation of graves. *A copy of Resolution 16-16 is attached to these minutes.*

9a. NPDES Phase II Stormwater Permit Renewal Application – Mr. Colavito reviewed and asked to receive comments for the Town's Stormwater Program prior to the Town's submitting an application to renew its current National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Permit.

He explained the National Pollutant Discharge Elimination (NPDES) Stormwater Program was established through the Clean Water Act to protect water quality from pollutants carried by stormwater. The EPA enforces the Clean Water Act and has adopted federal rules to implement this program. The EPA has also given North Carolina delegation to administer a NPDES Phase II regulatory program. The Town of Holly Springs is considered a Small MS4 (Municipal Separate Storm Sewer System) which was determined by the 2000 census.

The Town of Holly Springs NPDES Phase II Stormwater Permit became effective on December 1, 2005 contingent upon a five-year renewal, cycle and is now up for renewal. In the first ten years of the permit the Town was required to implement six minimum measures determined by the EPA: Public Education and Outreach, Public Participation, Illicit Discharge Detection and Elimination, Construction Site Runoff Control, Post-Construction Runoff Control and Pollution Prevention/Good Housekeeping. As a result of this federal requirement, over the past ten years, the Town created many new stormwater programs and the expansion of existing environmental programs to meet the permit requirements.

This permit renewal will require the Town to continue implementation of these measures and expand the Stormwater Management Program to include current and innovative Best Management Practices (BMPs) such as Low Impact Development. Staff also proposes to create a Communications and Involvement Plan to better organize the use of the Town's resources to meet the six minimum measures. This plan will be used to identify methods to provide public information such as Holly Springs TV11, social media, the Town's website, and "The Springs" e-newsletter. Some of these resources may not have been available when the Town started its stormwater program and could be utilized more efficiently and enhance the Stormwater Management Program. The communications plan would also provide a schedule of stormwater outreach materials and activities including required staff (both engineering and other departments), target audiences, budget, and other Town resources and identify required Town-wide staff training for pollution prevention.

Implementation of the new NPDES Permit requirements will create the need for staff to undertake projects to evaluate the desired level of service of the Stormwater Program. This would include stake holders meetings, surveys and research to evaluate the existing programs including education and outreach, stormwater maintenance within the Town's jurisdiction, and to determine the appropriate funding source to provide the desired level of service to the community.

Action: None.

9b. NCDOT Municipal Agreement Bridge Inspections – Mr. Darin Eyster said the Federal Surface Transportation Act requires the North Carolina Department of Transportation to assure that municipal bridges are inspected and load rated every two years. NCDOT has requested that all municipalities update its records and provide inspections on all structures that qualify as a bridge.

He said a formal agreement between the NCDOT and Town of Holly Springs is required before any work can be authorized. The NCDOT will make provisions for 80 percent of the cost of the inspections and load ratings to be paid for by federal-aid highway funds. This payment will be made upon completion of the inspections and load ratings, and the submission of an acceptable invoice. The remaining 20 percent of the cost must be borne by the Town of Holly Springs.

Action: The Council approved a motion to enter into a municipal agreement with NCDOT for the reimbursement of bridge inspection costs.

Motion by: Lee

Second by: Cobb

Vote: Unanimous

9c. Municipal Bridges Inspection Contract – Mr. Eyster said the Federal Surface Transportation Act requires the North Carolina Department of Transportation to assure that municipal bridges are inspected and load rated every two years. NCDOT has requested that all municipalities update their records and provide inspections on all structures that qualify as a bridge. The town has eight stream crossings that qualify as bridges, per NCDOT.

He said to satisfy this requirement, bridge inspections will be completed by Wetherill Engineering, Inc. 80% of the inspection cost is reimbursable per a municipal agreement with NCDOT.

Action: The Council approved a motion to retain Wetherill Engineering to inspect municipal bridges at a cost of \$13,100, with a \$10,480 reimbursement to be provided by NCDOT.

Motion by: Williams

Second by: Cobb

Vote: Unanimous

9d. Main Street Extension and Avent Ferry Road Intersection Projects – Ms. Parrish presented an updated municipal agreement from North Carolina Department of Transportation for project U-5318 Holly Springs Superstreet/Main Street Extension project that increases the project completion date to Oct. 1, 2018 as well as increasing the funding amount. In summary, we had a total of \$7,984,000 prior to bidding the project. After the bids were opened and unanticipated right of way costs were determined there was a gap in funding in which the Town/NCDOT/Capital Area Metropolitan Planning Organization agreed to fund with a 50% match.

The result is the attached agreement to secure the additional NCDOT funding of \$1,700,274 for a total of \$8,684,274 for the project.

Action: The Council approved a motion to enter into a municipal agreement with NCDOT for additional funding for the Main Street Extension and Avent Ferry Road intersection projects.

Motion by: O'Brien

Second by: Dickson

Vote: Unanimous

9e. Master Plan #15-MAS-04, Collins Park – Mr. Ryan said the Town has received a request for a master subdivision plan located at the northwest side of the intersection of Ralph Stephens Road and GB Alford Highway. The project would consist of one to eight commercial out lots for future development. The applicant has submitted a detailed master plan which establishes the transportation network, utilities layout, lot lines, and common landscaping.

He said if the master plan is approved, a detailed development plan will be submitted for each phase which includes pedestrian circulation, parking and building layout, landscaping, building elevations, etc. The detailed development plan follows the traditional process that includes review by staff, Planning Board recommendation, and Town Council determination.

Mike Stewart, representing the applicant – Mr. Stewart said the plan was devised without a color scheme, which would be determined by a major tenant. On that determination, it would come back to the Council.

Action: The Council approved a motion to approve detailed Master Plan #15-MAS-04 for Collins Park as submitted by Stewart-Proctor, dated Revised 04/18/2016 with the following conditions:

1. This project will be required to meet Town's NPDES Phase II Post Construction Stormwater ordinance
2. A fee-in-lieu of upgrade will be required for this project for the Pump Station and/or Force Main
3. Prior to the submittal of a development plan petition for the 1st outlot in this subdivision, the following must be addressed:
 - a. A plan amendment to the Master Plan must be submitted and approved which will establish the common design guidelines for all buildings in Collins Park.

- b. Verify that the landscape plan shows all easements (both drainage and utility easements)
- 4. With the subdivision plat, the following must be addressed:
 - a. The cross-access easements must be recorded at the time of the subdivision plan.
 - b. Verify that the existing 50' access easement is maintained or relocated.
- 5. With the first Development Plan associated with this Master Plan, the following must be provide:
 - a. All required road improvements for Ralph Stephens Rd including, but not limited to, asphalt, curb and gutter, storm drainage, and sidewalk shall be completed across the entire frontage of the development with the development of the first lot of the master plan. Right of way dedication for NC 55 will be required with the development of the first lot of this master plan. All required thoroughfare improvements for NC55 shall be completed with the development of the second lot of the master plan.
- 6. With each Development Plan submittal, the following will need to be provided:
 - a. A completed Industrial Waste survey short form. Note that information on this form may result in additional permitting or information being required.
 - b. The Grease Trap Form as required for all businesses that will be handling fats, oils, or grease (i.e. restaurants).
- 7. Prior to 1st Construction drawing submittal, the following items must be addressed or included with the submittal:
 - a. Thoroughfares, collectors and boulevards will require a calculated pavement design. This may result in a pavement cross section bigger than the specified minimum.
 - b. Documentation of any required offsite right-of-way must be provided in the form of a recorded plat.
 - c. All items listed on the Stormwater Submittal Checklist, Form #16003.
 - d. This project is located in a basin where the Town has an approved flood study as well as there are existing downstream drainage complaints in this area. Accordingly, a flood study will be required to meet the Town's policy for Hydrologic Basin Models (Town Policy - P-018). The 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 following is the approved flood study that this project will need to update: Somerset Farm
- 8. Prior to approval of construction drawing and/or land disturbance permit, the following items must be addressed:
 - a. Approval of Stormwater Management Plan.
 - b. Payment of the Stormwater Fee-in-Lieu.
 - c. All environmental permits must be obtained

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 control measure 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 SCM is required at the end of the performance monitoring period for the project.

Motion by: Dickson

Second by: Cobb

Vote: Unanimous

9f. Development Plan #16-DP-02, 300 Green Oaks Parkway – Mr. Ryan said that staff has received a request for a new office and warehouse building located at 300 Green Oaks Parkway. The project consists of one 60,000 square foot building, which would be divided between 17,000 square feet of office area and 43,000 square feet of warehouse area.

Blair Pittman, representing the applicant – Mr. Pittman said the building would have a singular purpose.

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 regulations of UDO Section 4.02 (b) 2 (c) 2 (g) Façade Modulation for Development Plan Petition #16-DP-02 for 300 Green Oaks Parkway to allow for a

waiver of the façade modulation requirement for the west facing side façade as submitted by Bobbitt Design Build, Inc., in association with Development Petition #16-DP-02.

A petition for a waiver of regulations of UDO Section 4.02 (b) 2 (c) 2 (g) Façade Modulation may only be granted upon the presentation of sufficient evidence to enable a written determination that:

1. The proposed development represents the use of (building materials, building massing and façade treatment, building orientation, signs, landscaping, lighting or open space) which will result in a development pattern which is equivalent to or superior to that achievable under the applicable regulations;
2. The proposed development will be compatible with and will enhance the use or value of area properties;
3. The proposed development is consistent with the intent of the Comprehensive Plan; and,
4. The proposed development is consistent with the intent and purpose of this UDO.

Motion by: Williams

Second by: Cobb

Vote: Unanimous

A copy of findings of fact for waiver is attached to these minutes.

Action #2: 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 4.02 (b) 2 (c) 2 (g) Façade Modulation for Development Plan Petition #16-DP-02 for 300 Green Oaks Parkway to allow for a waiver of the façade modulation requirement for the west facing side façade as submitted by Bobbitt Design Build, Inc., in association with Development Petition #16-DP-02.

Motion by: Lee

Second by: Cobb

Vote: Unanimous

Action #3: The Council approved a motion to approve Development Plan #16-DP-02 for 300 Green Oaks Parkway as submitted by Bobbitt Design Build Inc., Project Number 1850-0002, dated Revised 6 May 2016 with the following conditions:

1. This project will be required to meet the Town of Holly Springs NPDES Ph. II Post Construction Stormwater Ordinance.
2. A fee-in-lieu of upgrade will be required for this project for the downstream Holly Springs Business Park Pump Station.
3. Prior to the first construction drawing submittal, the following items must be addressed or included:
 - a. All items listed on the Stormwater Submittal Checklist, Form #16003,
 - b. Include the turning template exhibit showing that a WB-50 vehicle can access all parts of the site.
4. Prior to issuance of a land disturbance permit or construction drawing approval, the following items must be addressed:
 - a. Approval of Stormwater Management Plan
 - b. Payment of the Stormwater Fee-in-LieuStormwater 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.

Motion by: Dickson

Second by: O'Brien

Vote: Unanimous

10a. Stinson Ave. “No Parking” Zone – This item was discussed at length at the last Council meeting. The only new information is that there are residents who have contacted Council members to support the No Parking zone that was established.

Chief Herring said police have continued to monitor situations. He reported no vehicles were parked on streets or blocking sidewalk.

Chief Smith said fire apparatus would have trouble getting through if vehicles are parked on both sides. He added that cars are not an obstacle because firetrucks have huge bumpers.

Councilman O’Brien said the no parking zone is in the best interest of families living there.

Council members agreed that since cars have moved, the street looks a lot cleaner and better for storm drainage because the street can be cleaned now.

Mayor Sears said a lot of people contacted Council to keep the No Parking zone.

If the No Parking zone is to remain, no action is needed, Mr. Schifano said.

11. Other Business: None that resulted in Council action.

12. Manager’s Report: None that resulted in Council action.

13. Closed Session: None.

14. Adjournment: There being no further business for the evening, the June 7, 2016 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, July 19, 2016.

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

