



Feb. 7, 2017

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Feb. 7, 2017 in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Sears presided, calling the meeting to order at 7 p.m. A quorum was established as the mayor and five council members were present as the meeting opened.

Council Members Present: Mayor Sears, Councilmen James Cobb, Tom O'Brien, Peter Villadsen and Hank Dickson and Councilwoman Cheri Lee.

Council Members Absent: None.

Staff Members Present: Charles Simmons, town manager; John Schifano, town attorney; Daniel Weeks, assistant town manager; Joni Powell, town clerk, (recording the minutes); Linda Harper, deputy town clerk; Mary Hogan, finance director; Adam Huffman, assistant parks and recreation director; Gina Clapp, director of planning and zoning; Justin Steinmann, senior planner; Matt Beard, planner; Elizabeth Goodson, development review engineer; Kendra Parrish, director of engineering; Leroy Smith, fire chief; John Herring, police chief; Jeff Wilson, information technology director; 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 Rev. Doug Parlin, pastor of South Wake Baptist Church.

4. Agenda Adjustment: The Feb. 7, 2017 meeting agenda was adopted with changes, if any, as listed below.

Changes: Remove agenda item 8d., award of contract to Duke Energy for Main Street Extension project lighting, from the consent agenda, to be heard prior to new business.

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:

Gerald Holleman, 5625 Easton Street -- Mr. Holleman said he was tired of local residents having to pay for road improvements for traffic, the most of which originates from out of town. He said the Town needs to pull down state and federal funds for roads. He urged Council members to go to Washington D.C. and Raleigh to lobby for funds for road infrastructure. He said it could be done without costing local taxpayers anything.

Karen Marsh, 113 Holly Green Lane – Ms. Marsh asked the Council to consider tougher timbering ordinances that would prevent clear cutting. She said she is concerned for various environmental, aesthetics and identity reasons.

6a. Audit Report – Ms. Phyllis Pearson, CPA provided the Council with a management letter detailing findings from an audit of the Town's financial records in FY 2016.

Action: The Council approved to accept the findings contained in the financial audit report for FY 2016.

Motion by: Cobb

Second by: Dickson

Vote: Unanimous

7a. Public Hearing: Annexation Ordinance A16-04 – Ms. Clapp said the Town has received a request from a property owner to annex property located at 5204 Old Adams Road containing 1.18 acres. The property owner is Jerre Parker of Primera Homes I, LLC System and the property is non-contiguous with city limits.

With that, Mayor Sears opened the public hearing. The following input was recorded:
None.

There being no input, the public hearing was continued.

Action: The Council approved a motion to continue public hearing on Annexation Ordinance A16-04 to resume at the Feb. 21 Town Council meeting.

Motion by: Cobb

Second by: Dickson

Vote: Unanimous

7b. Public Hearing: Rezoning Petition 16-REZ-15 – Mr. Steinmann said the Town has received a request for a zone map change for property located adjacent to the Mills at Avent Ferry subdivision on Avent Ferry Road. The applicant is requesting to rezone the property from R-30: Residential to R-10 CU: Residential Conditional Use. There are currently two single-family dwellings on the parcels. The requested R-10CU: Residential Conditional Use zoning is consistent with the comprehensive plan and is intended to integrate with the surrounding R-10CU zoning that applies to the Mills at Avent Ferry development.

A Conditional Use District allows the petitioner to place specific conditions on the property that are more restrictive than the minimum zoning regulations in the Town's Unified Development Ordinance. Once a petitioner has placed such conditions with the Zoning Map Change request, they cannot be removed or modified to reduce the restriction. During the review and consideration process the petitioner may add additional conditions or make the proposed conditions more restrictive, however, additional conditions or regulations cannot be added to the petition by Planning Board or Town Council, nor can either board request additional conditions.

The property owner has offered the following conditions:

1. The conditions of rezoning #05-REZ-03 shall apply to this rezoning and shall be the only conditions retained at such time as Wake County PINs 0638618734 and 0638619778 are resubdivided. These parcels are intended to be developed as part of a common scheme with the subject parcels rezoned by rezoning #05-REZ-03.

For reference purposes, the conditions of rezoning #05-REZ-03 are:

1. Total project density will not exceed R-15 (2.25 units per acre) standards
2. On parcel 0637.02-79-8419 the density will not be more than 2 units per acre.

Mr. Steinmann said the public hearing for this petition was opened on Jan. 17 and continued to Feb. 7 because the required neighborhood meeting was not yet held. That meeting still has not occurred, so the public hearing will be reopened and then further continued to Feb. 21.

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

There being no input, the public hearing was continued.

Action: The Council approved a motion to continue public hearing on Zone Map Change Petition #16-REZ-15 to resume at the Feb. 21 Town Council meeting.

Motion by: O'Brien

Second by: Lee

Vote: Unanimous

Councilman Dickson suggested that the Town investigate a policy to preserve buildings of historical significance like one that is situated on the subject property.

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

8a. Minutes– The Council approved minutes of the Council's regular meeting Dec. 20, 2016.

8b. Resolution 17-05 – The Council adopted Resolution 17-05 directing the town clerk to investigate the sufficiency of annexation petition A16-05 and setting a public hearing on the question of annexation for Tuesday, February 21, 2017. *A copy of Resolution 17-05 is attached to these minutes.*

8c. North Main Athletic Complex Playground and Batting Cages- The Council approved contract and funding for playground and batting cages at North Main Athletic Complex.

8d. Main Street Extension Project - The Council removed this item during agenda adjustment to be heard after Consent Agenda.

8e. Budget Amendment, \$70,000 – The Council approved the transfer of funds from the Wastewater Reserve account to the Fiber Enterprise Fund account in the amount of \$70,000 for the purpose of reimbursement for construction overages. *A copy of the budget amendment is attached to these minutes.*

8f. Downtown Improvements Project– The Council approved to award contract in the amount of \$18,500 to S&ME and approve funding in the amount of \$20,500 for Downtown Improvement Project engineering services.

8g. Resolution 17-06 – The Council adopted Resolution 17-06 declaring certain personal property surplus to the needs of the town. *A copy of Resolution 17-06 is attached to these minutes.*

8h. Council's Annual Retreat – The Council set a special meeting for the Council's annual retreat for 9 a.m. Friday, Feb. 10 to 1 p.m. Saturday, Feb. 11, 2017 at Pine Needles Lodge, 1005 Midland Road in Southern Pines.

Action: At this time, the Council approved a motion to excuse Councilman Dickson from the meeting since he is employed with Duke Progress Energy Company.

Motion by: Cobb

Second by: Lee

Vote: Unanimous.

8d. Main Street Extension Project – Staff reported the Main Street Extension project is progressing on track as the new roadway construction has begun. Duke Energy has provided the cost of providing street lighting for the new roadway connecting to Piney Grove-Wilbon to Main Street. There are a total of 37 lights for an installation cost of \$20,626.39 and an increased monthly charge of \$913.24.

The Council approved a motion to award a contract to Duke Energy in the amount of \$20,626.39 for Main Street Extension project lighting.

Motion by: Cobb

Second by: O'Brien

Vote: Unanimous.

Action: The Council approved a motion to readmit Councilman Dickson into the meeting.

Motion by: Cobb

Second by: O'Brien

Vote: Unanimous.

9a. 03-PUD-01-A10, Twelve Oaks Planned Unit Development – Mr. Steinmann said Town staff has received a request to modify the 12 Oaks Planned Unit Development. The amendment makes three changes to the adopted PUD.

- The first is an adjustment to the zoning table to reduce the required setback side, corner and rear yard setbacks for front-loaded townhomes to three feet.
- The second change adds a standard detail for front-loaded townhomes;
- The fourth change updates the buffer detail for landscaping along New Hill Road.

Action: The Council approved a motion to approve Major Planned Unit Development Amendment #03-PUD-01-A10 for the 12 Oaks Planned Unit Development, as submitted by Spaulding & Norris, Project Number 410-02 dated 11-17-16 with the following condition:

1. All previous conditions of approval shall apply.

Motion by: Cobb

Second by: Dickson

Vote: Unanimous

10a. North Main Athletic Complex Naming Rights Agreement – Mr. Weeks said that representatives from Ting, Inc. and Town staff have been engaged in consistent conversations for about six months on a naming rights agreement for the North Main Athletic Complex (NMAC). Both parties see substantial value in a naming rights arrangement and are pleased to bring this exciting agenda item before the Town Council.

As background information, Holly Springs owns excess dark fiber, which is available for leasing by interested service providers. Ting is a firm that leases dark fiber from the Town. Their goal is to provide internet service “to the home” and to interested businesses, thereby providing another option in the local market.

Through a naming rights venture, Ting desires to increase awareness in the local area, invest in the community of Holly Springs, and promote itself as a civic-minded corporation. They understand the investment we have made in NMAC and realize this as a prime opportunity to make their own investment in a successful Holly Springs facility. A Town-Ting partnership is likely to be extremely beneficial for all parties involved.

Highlights of the Naming Rights Agreement are as follows:

- Ting will have the right to name NMAC, to include the park as a whole and the stadium area. The name shall be the like of “Ting Park” and “Ting Stadium” or some similar combination. The Town will have approval authority.
- All marketing, advertisement materials, email blasts, publications, etc. for the park shall use the agreed upon name
- Three (3) year term, commencing with the installation of large structural sign at entrance (estimated to occur within 6 months of effective date of agreement)
- Ting will pay the Town according to the following schedule:
 - \$100,000 in year 1
 - \$110,000 in year 2
 - \$120,000 in year 3
 - 25% (up to a max of \$75,000) toward the large structural sign at entrance
 - Reimbursement for all smaller “non-permanent” signage like banners, etc. (outlined in exhibit A)
- After thirty-six (36) months from the date of the large structural sign installation, the Naming Rights Agreement shall expire, unless otherwise extended by mutual consent of the parties
- A team comprised of Town staff and a Ting staff person will develop park signage plan

- Ting will get eight (8) hours of use-time annually at the park for Ting-sponsored events
- The naming rights do not extend to the soccer fields or tennis courts, which still can be sponsored as “ABC Tennis Courts at Ting Park” or “XYZ Soccer Fields at Ting Park” or similar; therefore, opportunities for further sponsorships are available.

In return for providing naming rights at NMAC for 3 years, the Town of Holly Springs will receive \$330,000, plus up to \$75,000 for the large structural sign at entrance, plus reimbursement for smaller “non-permanent” signage. Therefore, the Naming Rights Agreement could be conservatively valued between \$350,000 - \$405,000 for the Town.

Action: The Council approved a motion to approve entering into an agreement with Ting Inc. for naming rights at North Main Athletic Complex and Stadium.

Motion by: Dickson

Second by: O'Brien

Vote: Unanimous

10b. Parks Facility Fee Discount Policy – Mr. Huffman said from February to August 2016, several non-profit organizations approached Town Council and requested fee waivers for charitable special events held at Parks and Recreation facilities. The total amount of fees waived during this time frame was \$7,368.

He said per Town Council direction, the Parks and Recreation Advisory Committee has been working with staff to create a policy governing this process. After several months of discussion, the Parks & Rec Advisory Committee has recommended a non-profit rental fee discount and partnership additions to the Parks & Rec policy manual and fee schedule.

Action: The Council approved a motion to approve the non-profit rental fee discount and partnership additions to the Parks & Recreation policy manual and fee schedule.

Motion by: O'Brien

Second by: Cobb

Vote: Unanimous

10c. 16-MAS-02, Southern Crossroads – Mr. Beard said the Town has received a request for a master subdivision plan located primarily in the southeast corner of the future intersection (S Main St Extension Project) of Piney Grove – Wilbon Rd and Ralph Stephens Rd. The project would consist of both commercial out lots for future development and a multi-family residential component. The applicant has submitted a detailed master plan, which establishes the internal transportation network, utilities layout, and basic common landscaping.

The applicant has chosen not to provide a set of design guidelines for the development of the out lots that would typically include architectural, streetscape, lighting, wayfinding, and material/color requirements. The applicant will be required as a condition of approval for this Master to establish and submit design guidelines as a plan amendment prior to or concurrent with the first out lot development plan submittal. Additionally, the applicant will be required to provide detailed information in regard to the location and size of the required open space dedication(s) and interior access road landscaping as part of the same plan amendment process. Such a plan amendment would require the approval of Town Council.

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

The property is located in the Holly Springs Extraterritorial Jurisdiction (ETJ). An annexation petition must be submitted pursuant to the Developer Agreement once sewer service is available to the property

Action: The Council approved a motion to approve Master Plan 16-MAS-02 for Southern Crossroads as submitted by H Brantley Powell dated 1/9/2017 with the following conditions:

1. Prior to or with the submittal of the first Development Plan associated with Southern Crossroads, the following must be completed or included with the submittal:
 - a. A completed Industrial Waste survey short form.
 - b. The Grease Trap Form as required for all businesses that will be handling fats, oils, or grease (i.e. restaurants).
 - c. A Flood study will be required for all streams with the development plan submittal.
 - d. A Master Plan Amendment shall be reviewed and approved by the Town Council to address the following items:
 - i) Creation of a Master Sign Plan
 - ii) Provide details and location of required dedicated open space
 - iii) Creation of a detailed set of Architectural Design Guidelines for development within the Southern Crossroads Project
 - iv) Creation of a planting plan for the landscape buffer along both sides of the interior access drive as part of the overall landscape plan
 - e. Verify fire hydrant spacing meets the non-residential spacing along the internal loop road.
2. This project will be required to meet the Town of Holly Springs NPDES Ph. II Post Construction Stormwater Ordinance.
3. Prior to the first construction drawing submittal, the following items must be submitted:
 - 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. An Engineer's sealed Water System Hydraulic Report is required. Verify the final report addressing all remaining comments is approved.
 - c. No fill is allowed in the flood plain for residential development.
 - d. All items listed on the Stormwater Submittal Checklist, Form #16003, must be included.
4. Prior to the first Construction Drawing approval for this project, the following items must be addressed:
 - a. A fee-in-lieu of upgrade will be required for this project for the downstream pump stations (HS Basal Creek & Garrison) and/or force mains
 - b. Approval of Stormwater Management Plan is required prior to issuance of a land disturbance permit or construction drawing approval.
 - c. Payment of the Stormwater Fee-in-Lieu will be required.
 - d. 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
 - e. All environmental permits must be obtained prior to construction drawing approval and/or issuance of a land disturbance permit for the entire project.
 - f. Provide documentation in the form of a recorded plat of any required offsite sewer easements.
5. Once sewer service is available to the property, the developer shall submit a voluntary annexation petition pursuant to the Development Agreement.
6. Prior to first subdivision plat for this project being recorded, the following items must be addressed:
 - a. There has been a TIA required for this project. NCDOT reviewed and determined that a fee-in-lieu would be required for the recommended improvements outlined in the TIA and would be collected by the Town on NCDOT's behalf. The fee will be required to be paid to the town prior to the first subdivision plat associated with the Master Plan being recorded.
 - b. Show all easement for infrastructure that is shown on the master plan.

- e. All lots shown on the each plat must have the required infrastructure to serve these lots installed prior to recordation.
 - d. If any off site sewer facilities are needed to serve this project and are not completed, then these offsite sewer facilities must be completed prior to any subdivision plat. The Town is not responsible for completion of off-site sewer facilities, and will not guarantee completion of such facilities by any other party. No plats will be issued by the Town until all necessary on and off site sewer infrastructure is completed.
7. CB Zoned properties will utilize a Type A-75 thoroughfare buffer as detailed on the Landscape Plan and R-MF-15 zoned properties will utilize a Type-B-75 thoroughfare buffer as detailed on the Landscape Plan.

Motion by: Dickson

Second by: Cobb

Vote: Unanimous

10d. Bass Lake Park Repairs – Ms. Couch said after Hurricane Matthew on Oct. 8, 2016, Bass Lake Park used operating funds to repair damages and reopen the park with limited access and parking.

Park staff issued a request for proposals from professional engineering firms for a study and design for both the parking lot and the stream channel. Staff also requested quotes for repairs of the remaining damages, which include spray foam insulation beneath the Retreat Center, the removal of damaged asphalt, and re-compact the parking lot site. The total spent to date is \$20,590.68. The additional needed repairs and the engineering study and design contracts total \$95,476.

Staff is requesting \$116,066.68 in additional funding for Hurricane Matthew expenses.

Preliminary estimates for construction costs of both the parking lot and the stream channel range between \$240,000 and \$610,000. Once the study and design phase is complete, staff will return to Town Council for bid awards, contract approval, and additional project funding.

Staff is working with FEMA and through the Town's insurance policies, NCLM and Hartford Flood Insurance, to seek the maximum reimbursement possible for the repair costs

Action #1: The Council approved a motion to approve McGill Associates proposal in the amount of \$31,175, pending the review of the Town Attorney, for engineering services to provide a study and design of the parking lot at Bass Lake Park.

Motion by: Lee

Second by: Dickson

Vote: Unanimous

Action #2: The Council approved a motion to approve Jewell Engineering Consultants proposal in the amount of \$48,500, pending the review of the Town Attorney, for engineering services to provide a study and design of the stream channel at Bass Lake Park.

Motion by: Dickson

Second by: O'Brien

Vote: Unanimous

Action #3: The Council approved a motion to adopt a budget amendment appropriating funds from the Fund Balance in the amount of \$116,066.68 to increase the following accounts: Maintenance & Repair Buildings by \$5,511.34, Maintenance & Repair Grounds by \$15,079.53, and Professional Fees by \$95,475.81.

Motion by: Cobb

Second by: O'Brien

Vote: Unanimous

10e. 16-MAS-03, Twelve Oaks Phase 10 – Mr. Beard said Twelve Oaks, a Planned Unit Development located on New Hill Road, is requesting the approval of its newest proposed phase, Phase 10. The Twelve Oaks PUD consists of a total of 823.14 acres and allows for up to 2,699 total dwelling units. To date, total of 1,612 lots have been approved in the entire development.

Proposed phase 10 is comprised of 192 single-family lots (153 Type A Lots and 39 Type B lots) and no multi-family residential units. The approved PUD plans establish four single family lot types: Types A, B, C and D. These lot types range from 4,000 to 12,000 square feet, Type A being the smallest and Type D being the largest. The proposed density of Phase 10 is 2.75 units/acre.

In addition to meeting all established lot requirements, proposed lots also would have to meet the architectural standards of the Twelve Oaks PUD.

Action: The Council approved a motion to approve Preliminary Plan 16-MAS-03 for Twelve Oaks Phase 10 as submitted by Spaulding & Norris Engineering, Project Number 410-02, dated 12/12/2016 with the following conditions:

1. All previous approval conditions for Twelve Oaks PUD will apply to this plan
2. All construction traffic must use Ivey Arbor Way entrance for the duration of construction associated with the build out of this phase.
3. The following items must be addressed prior to the first construction drawing 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. A detailed hydraulic report for the reclaimed water system is required for this project. Verify this phase matches the approved study.
 - c. A Flood study must be submitted.
 - d. No fill is permitted in the flood plain for any residential development.
 - e. The list of items below must be met for the three sided culvert to be allowed and all items submitted with the 1st construction drawing submittal.
 - 1) An estimate of potential Scour depth is required for all bridge sites. The procedure for this analysis is presented in HEC-18, reference,(12). And HEC-20, reference(14), 100 yr. 24 hr. storm must be analyzed.
 - 2) Channel stability analysis is required, if channel is not stable downstream of the structure an energy dissipation device will be required.
 - 3) Hydraulic analysis of the structure, 100 yr. 24 hr. storm event must be analyzed.
 - 4) Headwall and endwalls are required.
 - 5) True to grade, no vertical or horizontal deflection.
 - 6) Footing required to be attached to non-weathered crystalline rock, standard penetration test to refusal in accordance with ASTM D1586 shall be used to determine the location of rock. For the purposes of this provision, "Rock" is defined as a continuous intact natural material in which the penetration rate with a rock auger is less than 2 in (50 mm) per 5 minutes of drilling at full crowd force. This definition excludes discontinuous loose natural materials such as boulders and man-made materials such as concrete, steel, timber, etc.
 - 7) All other requirements set forth for culvert in section
 - f. Verify hydrant spacing and location with construction drawings specifically fire hydrants need to be moved to the neck of the cul-de-sac not located in the bulb.
 - g. Documentation in the form of a recorded plat must be provided for the right-of-way along Old Holly Springs/Apex Road where the NCDOT required turn lane and associated improvements will be constructed. If any of the improvements along Old Holly Springs/Apex Road are outside of the existing right-of-way, right-of-way dedication must be provided to complete improvements as shown on this plan.
 - h. A fee-in-lieu of construction can be requested for road improvements at Ivey Arbor Way associated with the northern side of the entrance that are not able to be completed within the existing right-of-way. Provide a cost estimate & design for these improvements to be reviewed and considered by the Town and NCDOT.

- i. All improvements associated with Old Holly Springs/Apex Road are subject to NCDOT review and approval
 - j. A site lighting plan will be required to be submitted to Planning & Zoning for review and approval. Street Trees on all interior streets shall be positioned as to not interfere with any lighting fixtures present or any site distance triangles.
4. The following items must be addressed prior to the first construction drawing approval:
- a. All environmental permits must be obtained prior to construction drawing approval and/or issuance of land disturbance permit.
5. Homeowner's Association covenants shall be recorded with the first plat associated with this subdivision.

Motion by: Dickson
Second by: Cobb
Vote: Unanimous

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 Feb. 7, 2017 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, March 21, 2017.

Joni Powell _____

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Notes follow and are a part of the official record

