



March 20, 2018

## MINUTES

The Holly Springs Town Council met in regular session on Tuesday, March 20, 2018 in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Dick 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 Tom O'Brien, Dan Berry and Peter Villadsen, and Councilwomen Christine Kelly and Cheri Lee.

**Council Members Absent:** None.

**Staff Members Present:** Charles Simmons, town manager; John Schifano, town attorney; Joni Powell, town clerk; Linda Harper, deputy town clerk; Daniel Weeks, assistant town manager; Paul Allen, real estate acquisition agent; Mark Andrews, public information officer; Gina Clapp, director of planning and zoning; Elizabeth Goodson, development review engineer; John Herring, police chief; Adam Huffman, assistant parks and recreation director; Rachel Jones, development plan reviewer; Irena Krstanovic, economic development director; Aaron Levitt, senior engineer; Kendra Parrish, director of engineering; Erika Philips, human resources director; Sean Ryan, planner; LeRoy Smith, fire chief; Tamara Ward, communications specialist (recording the minutes); and Billy Whitehead, information technology analyst.

**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 March 20, 2018 meeting agenda was adopted with the changes listed below:

Remove Consent Item: 8c. Memorandum of Understanding with Triangle Water Partnership to be heard at a later meeting.

Add to New Business: 9b. Award bid to Sanford Contractor, Inc. in the amount of \$634,272.22 for Utley Creek Water Reclamation Facility Force Main Upgrade and Repair project and adopt budget amendment.

**Motion by:** O'Brien

**Second by:** Villadsen

**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:

Christine Quante, Holly Springs Chamber of Commerce interim executive director, 344 Raleigh Street – Speaking on behalf of the Holly Springs Chamber of Commerce, Ms. Quante responded to a recent email that alleged the Town was in a partnership with the Chamber for Town Hall Commons. She said the Chamber is not in a partnership with Town Hall Commons nor the Town of Holly Springs for any development in downtown Holly Springs. She also said business members benefit from the Chamber's relationship with the Town.

**6a. CAMPO Southwest Area Study** - Ms. Parrish said, in 2012 the Capital Area Metropolitan Planning Organization (CAMPO) commissioned a study to identify a sustainable transportation strategy for the southwest area of Wake County, including Harnett County, Angier, Wake County, Fuquay Varina, Holly Springs and Apex. The study process embraced an integrated approach that considered land use, development, environment, and transportation simultaneously.

Ms. Parrish said CAMPO commissioned an update to the 2012 study that soon will be underway. The study update will bring together the public, including elected officials, stakeholder groups, and municipal and county staff.

Ms. Parrish said the study seeks to create a long-term sustainable transportation strategy for the area through insightful planning that includes an evaluation of possible alternative futures where different types of development and growth distribution are considered. This process is referred to as scenario planning. Scenarios will be evaluated against a predetermined set of goals and performance measures. This will lead to the development of a preferred growth scenario around which the transportation strategy will be framed. The Southwest Area Study therefore is a planning process that considers land use, environment and transportation simultaneously with the hope of resolving conflicts between competing interests. Despite the complexities of the area, the philosophy and approach for the future plan remains simple – connect people and places through quality choices.

The Town was asked to forward the names of elected officials and representatives of stakeholder groups for CAMPO to invite to be part of the Stakeholder Oversight Team, which will meet 4-6 times over the next year.

**Action:** By consensus, the Council nominated Mayor Sears, Councilwoman Lee, Councilman Berry, Planning Board Member Shaun McGrath and resident Ed Neering to the Capital Area Metropolitan Planning Organization's southwest area planning committee.

**7a. Continued Public Hearing: Special Exception Use 17-SEU-17, 300 W. Holly Springs Road** – Mr. Ryan said this is a continuation of the public hearing from Feb. 20, after which the Town Council tabled the hearing to allow discussions between the property owner and the Town Attorney. He said the petitioner has since made changes to the applications including moving the house back farther from the right-of-way on both W. Holly Springs Road and Blalock Street.

Mr. Ryan explained the petitioner's amended variance request now is as follows:

- *18-VARTC-01: A variance from Unified Development Ordinance Section 2.03 B. 5. a., to allow for reduction in the minimum front yard and building setback along W. Holly Springs Road from 50 feet to 20.36 feet.*

Mr. Ryan explained in December 2015, the Town Council adopted an amendment to the Unified Development Ordinance regarding future land uses and appropriate residential densities in the Town's Village District. The Department of Planning & Zoning is preparing to update the Town's Village District Area Plan and preparing an implementation program to bolster development interest and to align development proposals with the Town's plan for the area. During this evaluation period, all new single-family homes in the R-10 and R-15 residential zoning districts are required to obtain approval through the Special Exception Use process so the development of parcels can be evaluated through the Special Exception Use findings of fact to ensure the development is appropriate for the neighborhood.

The applicant is requesting Special Exception Use approval for one single-family dwelling located at 300 W. Holly Springs Road. Since the parcel is zoned R-15 Residential and is located within the boundaries of the Village District Area Plan, a Special Exception Use is required to evaluate the appropriateness of a single-family home in this location.

With that explanation completed, Mayor Sears reopened the continued public hearing. The following sworn testimony and evidence was submitted by those who had been administered the oath by the deputy town clerk:

Paella Pani, 1215 Jones Franklin Road, Raleigh, thanked the council for extending the public hearing and for the opportunity to speak about the project.

Kleida Pani, 1215 Jones Franklin Road, Raleigh, thanked the Town for its sensitivity and for working with her on the project.

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

**Action #1:** The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for Special Exception Use Petition 17-SEU-17 for 300 W. Holly Springs Road to allow for (1) single family dwelling within the adopted Village District Area Plan boundary as indicated in the Comprehensive Plan, in the R-15 District, as submitted by Timeless Properties.

Special Exception Use Findings of Fact:

A special exception use may only be granted upon the presentation of sufficient evidence to enable a written determination that:

- 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:** Lee

**Second by:** Villadsen

**Vote:** Unanimous

*A copy of 17-SEU-17 are attached to these minutes.*

**Action #2:** The Council made the following findings of fact to be recorded in the minutes for variance request 18-VARTC-01, a request for a variance from Unified Development Ordinance Section 2.03 B. 5. a., for 300 W. Holly Springs Road to allow for a reduction in the minimum front yard and building setback along W. Holly Springs Road from 50 feet to 20.36 feet, as submitted by Timeless Properties.

Variance Findings of Fact:

A variance may be granted by the Board if competent and substantial evidence is presented by the applicant which persuades the Board to either reach each of the following conclusions independently or be reasonably able to meet these conclusions upon implementation of conditions by the Board:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

**Motion by:** Villadsen

**Second by:** Kelly

**Vote:** Unanimous

*A copy of the application for Variance 18-VARTC-01 is attached to these minutes.*

**Action #3:** Having made the necessary findings of fact, the Council approved a motion to approve Special Exception Use Petition 17-SEU-17 for 300 W. Holly Springs Road to allow for a single-family dwelling within the adopted Village District Area Plan boundary as indicated in the Comprehensive Plan, in the R-15 District and Variance 18-VARTC-01, a variance from Unified Development Ordinance Section 2.03 B. 5. a., to allow for reduction in the minimum front yard and building setback along W. Holly Springs Road from 50 feet to 20.36 feet, as submitted by Timeless Properties, with the following conditions:

Special Exception Use:

1. All operations must adhere to the evidence submitted by the applicant as stated in the findings of fact submitted and those findings of fact specified by the Town Council in conjunction with 17-SEU-17.
2. Minor modifications to the height, bulk, orientation of the structure on the lot, location of the structure on the lot, and site design may be authorized by the Director of Planning & Zoning. If the Director determines that the proposed minor modifications are of such a nature as to adversely impact the purpose or intent of this approval, the petitioner shall be required to file a new petition for Special Exception Use approval.
3. Prior to issuance of Building Permit, the following must be completed:
  - a. Documentation in the form of a recorded plat for right-of-way dedication.

**Motion by:** Kelly

**Second by:** Lee

**Vote:** Unanimous

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

8a. Minutes – The Council approved the minutes of the Council's regular meetings Feb. 20 and March 6 and a special meeting held March 13, 2018.

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

8c. Triangle Water Partnership – This item was removed from the Consent Agenda during agenda adjustment to be heard at a later meeting.

8d. Contract Report – The Council received a report of funded contracts under \$15,000.

8e. Feasibility Study – The Council approved retaining an architectural firm to conduct a feasibility study of property in the business park.

8f. Technical Review Committee Manual Amendment – The Council adopted Resolution 18-12 to adopt and enact Development Procedures Manual Amendment 18-DPM-02 to amend sections on the Technical Review Committee. *A copy of Resolution 18-12 is attached to these minutes.*

8g. Planning and Zoning Fee Schedule – The Council adopted an amendment to the fee schedule to modify certain planning and zoning fees.

8h. SCADA Control Monitoring Systems – The Council approved upgrades to SCADA control and monitoring systems at the Holly Springs Road water booster station and adopted an amendment to the FY 2017-18 budget for fiber connection. *A copy of the budget amendment is attached to these minutes.*

**9a. Executive Search Firms for Town Manager Position** – Mayor Sears said the Town received eight proposals from executive search firms in regard to the search for the next Town Manager. Council members received copies of each proposal for review earlier in the week. The Council discussed the proposals and firms.

**Action:** The Council approved a motion to retain Developmental Associates to conduct the Town Manager search.

**Motion by:** Lee

**Second by:** Berry

**Vote:** Unanimous

**9b. Utle Creek Water Reclamation Facility Force Main Upgrade and Repair Project** – Mr. Levitt said the force main just north of the water reclamation facility combines the flow from the Twelve Oaks, Holly Springs Business Park and Avent Ferry pump stations. On March 7, this area of line failed. Staff solicited three bids from local contractors for the upgrade and repair project. Only one contractor was interested and able to mobilize.

The engineer's estimate for this project was over the formal bid amount. However, as this project was declared an emergency project by the Town due to risks to public health, safety and property, the project was exempted from the public bid process and allowed under GS 143-129(e)(2). Mr. Levitt said the single bid came in under (2.4%) the engineer's estimate.

**Action:** The Council approved a motion to award bid to Sanford Contractor, Inc. in the amount of \$634,272.22 for the Utle Creek Water Reclamation Facility Force Main Upgrade and Repair Project and adopted a budget amendment to move \$634,272.22 from sewer reserves account 24.95 to project account 45 802 90.04.

**Motion by:** Berry

**Second by:** Lee

**Vote:** Unanimous

**10. Other Business:** At the request of Councilwoman Lee, Holly Springs Police Chief John Herring provided an overview of school resource officers in public schools located inside city limits. He noted the high level of service the officers provide citizens, staff and students and said that, in Holly Springs, every school has a committed officer assigned to it. He thanked current and former council members for supporting the program.

Councilwoman Kelly requested a retreat follow-up meeting to talk about the Town's vision, mission and strategic plans as the Council prepares to hire a new Town Manager. Councilman Villadsen agreed about the benefit of determining the Town's core values. Mr. Simmons said another meeting with open discussion could be arranged quickly, allowing the Council to position itself to attract the best possible manager candidates.

**11. Manager's Report:** Mr. Simmons announced that Ms. Parrish has been appointed as acting public utilities and development assistant manager.

**12. Closed Session:** none.

**13. Adjournment:** There being no further business for the evening, the March 20, 2018 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, April 3, 2018.

  
Tamara Ward  
Communications Specialist



Addenda pages as referenced in these minutes follow and are a part of the official record.