



Agenda

1. Call to Order
2. Pledge of Allegiance
3. Invocation
4. Adjustment and approval of December 1, 2020 meeting agenda

PUBLIC COMMENT PERIOD

REQUESTS AND COMMUNICATIONS

5. Holiday Events Update

PUBLIC HEARINGS

6. Voluntary Annexation A20-07, 1637 Avent Ferry Road - Legislative Public Hearing

CONSENT AGENDA

7. Approve the minutes of the November 17, 2020 Business Meeting.
8. Position reclassifications resulting from departmental realignments
9. Calendar Year 2021 Town Council Meeting Schedule
10. Avent Ferry Road Realignment (Transportation Bond) Change Order #3 (TOHS Project # 19-007)
11. Green Oaks Parkway/New Hill Road Signal (TOHS 17-024)
12. The Block on Main Master Sign Plan 17-DP-15-A03

NEW BUSINESS

13. Revisions to Town of Holly Springs Code of Ordinances Chapter 8 Environment, Articles V-VIII and Adoption of Drainage Policy P-047.
14. Traffic Calming and Neighborhood Safety Program
15. Resolution to Temporarily Relax Commercial District Light and Sign Ordinances for Holiday Lights

UNFINISHED BUSINESS

16. Comprehensive Transportation Plan (CTP) Steering Committee

OTHER BUSINESS

MANAGER'S REPORT

CLOSED SESSION -

ADJOURNMENT

In accordance with ADA regulations please contact the Town Clerk's office at least 48 hours before the meeting to request an auxiliary aid or service needed to participate in this meeting:

linda.mckinney@hollyspringsnc.us 919-557-3900



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 5.

Requests & Communications

Title: Holiday Events Update

Strategic Priority Area: Safe & Friendly

Staff Resource: Cassie Hack, Director, Communications & Marketing

Action(s):

Receive report.

Explanation:

- COVID-19 has necessitated the alternation or cancellation of many traditional town events that typically experience large crowds, including this year's holiday events.
- Due to the cancellation of the annual Happy Holly Days Parade and Main Street Christmas, staff has created alternative events for residents to enjoy the holiday season.
- New events include Tree Trail at Ting, a decoration drive-through, and others.
- Staff will highlight upcoming holiday events and how residents can enjoy them.

Background:

Funding Source(s):

N/A

Attachment(s):

None



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 6.

Public Hearings

Title: Voluntary Annexation A20-07, 1637 Avent Ferry Road - Legislative Public Hearing

Strategic Priority Area: Responsible & Balanced Growth

Staff Resource: Melissa Sigmund, Development Services

Action(s):

Adopt Annexation Ordinance A20-07, annexing 2.218 +/- acres, PIN 0648243521 owned by Sharon and Greg Griffin.

Explanation:

- The Town has received a petition for voluntary annexation of 2.218 +/- acres, located at 1637 Avent Ferry Road.
- The property is owned by Sharon and Greg Griffin.
- Annexation is being requested in order to connect to Town water and sewer.

Background:

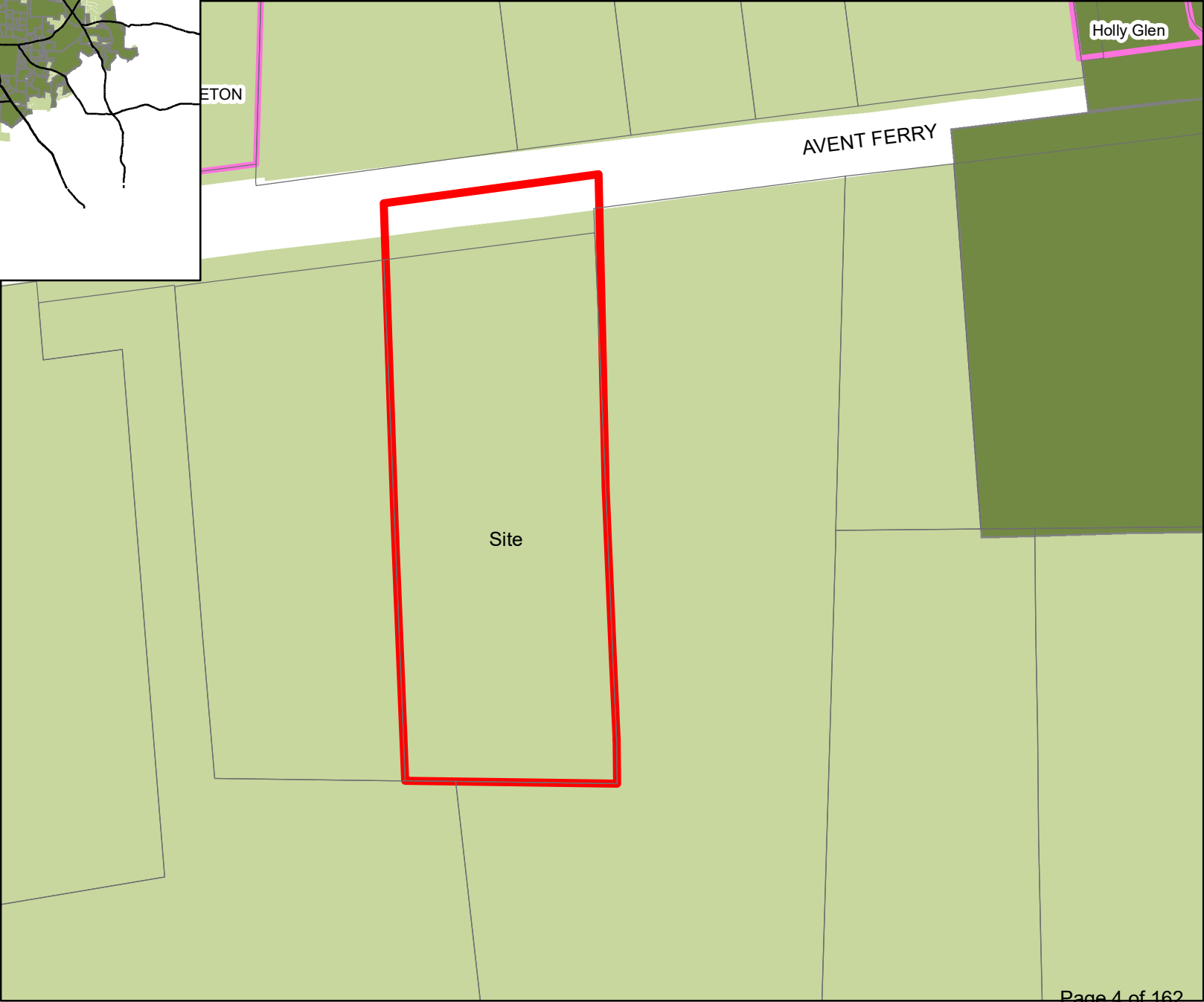
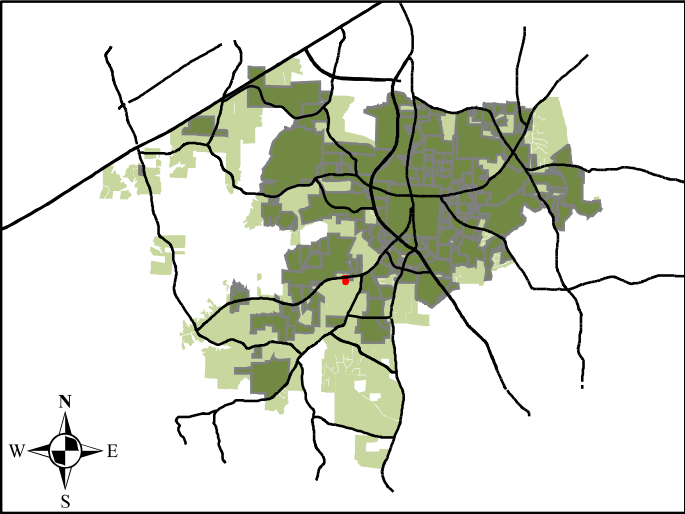
- The property is owned by Sharon and Greg Griffin and is contiguous with Town limits.
- Staff has received feedback from all departments and there are no issues with this annexation.
- The property meets all statutory requirements for annexation.

Funding Source(s):

N/A

Attachment(s):

1. Annexation A20-07 map
2. Resolution of Sufficiency Annexation A20-07 1637 Avent Ferry
3. A20-07 1637 Avent Ferry Ordinance - draft



Legend

-  Annexation
-  Subdivisions
-  Lakes
-  Town Limits
-  Extraterrito...
-  Jurisdiction (ETJ)
-  Short Range
-  Urban Service Area



THE TOWN OF

Holly Springs

Resolution No.: 20-36

Date Adopted: November 17, 2020

Annexation No.: A20-07

RESOLUTION OF THE HOLLY SPRINGS TOWN COUNCIL DIRECTING THE TOWN CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31 AND FIXING THE DATE OF A PUBLIC HEARING ON THE QUESTION OF ANNEXATION

WHEREAS, a petition requesting annexation of an area described in said petition was received by the Town of Holly Springs; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Holly Springs deems it advisable to proceed in response to this request for annexation, subject to the Clerk's satisfactory investigation of the sufficiency of the petition; and

WHEREAS, the area proposed for annexation is described as follows:

Legal Description for Voluntary Annexation

Beginning at an existing iron rod, said iron rod having N.C. Geodetic Coordinates (NAD 83-2011) of North=684,276.93 feet and East=2,042,423.04 feet: thence from said iron rod, North 89°15'20" West 185.67 feet to an existing iron rod, thence North 02°25'53" West 456.38 feet to an existing iron rod lying on the Southern right-of-way of N.C.S.R. 1115 (Avent Ferry Road); thence North 02°25'53" West 51.19 feet to a point in the center of N.C.S.R. 1115; thence along and with the center of N.C.S.R. 1115, North 82°39'20" East 186.40 feet to a point; thence South 02°23'45" East 29.84 feet to a point; thence South 02°23'45" East 21.35 feet to an existing iron rod on the Southern right-of-way of N.C.S.R. 1115; thence leaving said right-of-way South 02°23'45" East 482.62 feet to the point of beginning and containing a total of 2.218 acres of which 0.218 acres lies within the right-of-way of N.C.S.R. 1115 (Avent Ferry Road).

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Holly Springs, North Carolina, that:

Section 1. The Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Holly Springs Town Council the

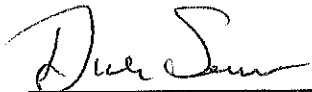
result of her investigation.

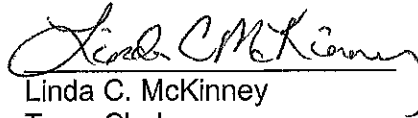
Section 2. Subject to the Town Clerk's satisfactory result of her investigation, a public hearing on the question of annexation of the area described herein will be held at the Town Hall Council Chambers, located at 128 S. Main Street, at 7 p.m. (or as soon thereafter as is practicable) on Tuesday, November 17, 2020.

Section 3. Notice of the public hearing shall be published in the Raleigh News & Observer, newspapers having general circulation in the Town of Holly Springs, at least ten (10) days prior to the date of the public hearing.

Adopted this, the 17th day of November 2020.

ATTEST:


Dick Sears, Mayor


Linda C. McKinney
Town Clerk





THE TOWN OF

Holly Springs

Annexation Ordinance No.: **A20-07**

Please mail after recordation to:

Town of Holly Springs
Town Clerk's Office
P. O. Box 8
Holly Springs, NC 27540

An Ordinance to Extend the Corporate Limits of the Town of Holly Springs, North Carolina

WHEREAS, the Town Council of the Town of Holly Springs has been petitioned pursuant to the provisions of N.C.G.S. 160A-31 to annex the area described herein; and

WHEREAS, the Town Council of the Town of Holly Springs has directed the Town Clerk to investigate the sufficiency of the petition for annexation; and

WHEREAS, following the certification of the sufficiency of the petition by the Town Clerk, the Town Council fixed a date for a public hearing on the question of annexation and caused a notice thereof to be published in a paper of general circulation in the Town of Holly Springs once ten days prior to the date of the hearing; and

WHEREAS, the Town Council found as a fact following public hearing on the matter that the petition for annexation is sufficient and meets all of the requirements set forth in N.C.G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF HOLLY SPRINGS, NORTH CAROLINA:

Section 1. By virtue of the authority granted by N.C.G.S. 160A-31, the following described territory is hereby annexed and made part of the Town of Holly Springs effective as of the 1st day of December 2020.

Legal Description for Voluntary Annexation

Properties lying and being situated on the South side of N.C.S.R. 1115 (Avent Ferry Road) and being more particularly described as follows:

Beginning at N.C. Geodetic Monument "Airport", said monument having N.C. Geodetic Coordinates (NAD 83.2011) of North=684,993.62 sft and East=2,043,505.63 sft. Thence from said monument South 56°29'42" West 1,298.16 feet (ground) to an existing iron rod, said iron rod having N.C. Geodetic Coordinates (NAD 83-2011) of North=684,276.93 feet and East=2,042,423.04 feet: thence from said iron rod, North 89°15'20" West 185.67 feet to an existing iron rod, thence North 02°25'53" West 456.38 feet to an existing iron rod lying on the

Southern right-of-way of N.C.S.R. 1115 (Avent Ferry Road); thence North 02°25'53" West 51.19 feet to a point in the center of N.C.S.R. 1115; thence along and with the center of N.C.S.R. 1115, North 82°39'20" East 186.40 feet to a point; thence South 02°23'45" East 29.84 feet to a point; thence South 02°23'45" East 21.35 feet to an existing iron rod on the Southern right-of-way of N.C.S.R. 1115; thence leaving said right-of-way South 02°23'45" East 482.62 feet to the point of beginning and containing a total of 2.218 acres of which 0.218 acres lies within the right-of-way of N.C.S.R. 1115 (Avent Ferry Road).

Adopted this, the 1st day of December, 2020.

ATTEST TO:

Linda C. McKinney, Town Clerk

Dick Sears, Mayor

I, Linda C. McKinney, Town Clerk of the Town of Holly Springs, do hereby certify that the foregoing is a true and accurate copy of an annexation ordinance duly adopted by the Town Council of the Town of Holly Springs, North Carolina, at a meeting held December 1, 2020, at 7 o'clock p.m. at the Town Hall in the Town of Holly Springs.

IN WITNESS WHEREOF, I have here unto set my hand and have caused the official corporate seal of said Town to be affixed, this the 1st day of December, 2020.

Linda C. McKinney, Town Clerk



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 7.

Consent Agenda

Title: Approve the minutes of the November 17, 2020 Business Meeting.

Strategic Priority Area: Organizational Excellence

Staff Resource: Linda McKinney, Town Clerk

Action(s):

Approve the minutes of the Council's business meeting held November 17, 2020.

Explanation:

- Minutes in draft form are attached for the Council's review.
- If there are any corrections, please call the Town Clerk at 919-557-3900 in advance of Tuesday night's meeting so that corrected versions of the draft minutes can be circulated for review before adoption of the Consent Agenda.

Background:

Funding Source(s):

N/A

Attachment(s):

1. 11.17.20 minutes - draft



MINUTES

The Holly Springs Town Council met in regular session on Tuesday, November 17, 2020 in person and via video conferencing. 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 in the Chamber as the meeting opened.

Council Members Present physically: Mayor Sears, Mayor Pro Tem Dan Berry, Councilmen Peter Villadsen, and Aaron Wolff, and Councilwoman Christine Kelly.

Council Members Absent: Councilman McGrath.

Staff Members Present in Chambers: Randy Harrington, *Town Manager*; Daniel Weeks, *Assistant Town Manager*; Scott Chase, *Assistant Town Manager*; John Schifano, *Town Attorney*; Linda McKinney, *Town Clerk* (recording the minutes); Cassie Hack, *Director Communications and Marketing*; Mark Andrews, *Communication and Marketing*; Jeff Wilson, *Director, IT*; Mathew Mutter, *IT*; Kathy White, *Deputy Town Clerk*; Melissa Sigmund, *Development Services*; Elizabeth Goodson, *Development Services*; Sean Ryan, *Development Services*; Rachel Jones, *Development Services*; Cheryl Caines, *Development Services*; Caleb Allred, *Development Services*; Bronwyn Bishop, *Development Services*; Matt Beard, *Parks and Recreation*; Emmily Tiampati, *Development Services*.

2. and 3. The Pledge of Allegiance was recited followed by an invocation by Mark Salovdi, Community Outreach Specialist, of the Church of Jesus Christ of Latter-Day Saints.

4. Agenda Adjustment: The November 17, 2020 meeting agenda was adopted with changes, if any, as listed: none.

Motion: Berry

Second: Wolff

Vote: Unanimous

Public Comment: Public Comment was requested in writing prior to the meeting. The following number of comments was received and provided to the Council prior to the meeting: one comment in opposition to the cross-access easement in the Development Plan for Village Gate Tract 3.

Public Hearings

5. Voluntary Annexation A20-03, Oakview Innovation

Melissa Sigmund, Development Services, said that a petition had been received for annexation of 196.57 +/- acres in the vicinity of Green Oaks Parkway and Holly Springs New Hill Road. This is the site that Council rezoned at their last meeting. Annexation is requested as part of the plans to develop the property. The property is owned by Helix Ventures, LLC, ABCZ Properties LLC, Joyce Scott Lucas, and Duke Energy Progress, Inc.

Mayor Sears opened the public hearing and the following input was received: none.
Mayor Sears closed the public hearing.

Action: Motion to adopt Annexation Ordinance A20-03, annexing 196.57 +/- acres owned by Helix Ventures, LLC, ABCZ Properties LLC, Joyce Scott Lucas, and Duke Energy Progress, Inc.

Moved by: Berry

Second by: Kelly

Vote: Unanimous

A copy of Annexation Ordinance A20-03 is attached to these minutes.

6. Voluntary Annexation A20-05, Village Gate

Melissa Sigmund, Development Services, said that a petition had been received for annexation of 18.28 +/- acres located on S. Main Street near Ralph Stephens Rd. and Piney Grove Wilbon Road. Annexation is requested as part of the development of the Village Gate project. The property is owned by Elizabeth Y. Barnes, Patsy Y. Edwards, Randy White, Roseann White, Suzanne T. Moore, Eli Zablud, Danny Vuncannon and Kimbrette Y. Vuncannon.

Mayor Sears opened the public hearing and the following input was received: none.
Mayor Sears closed the public hearing.

Action: Motion to adopt Annexation Ordinance A20-05, annexing 18.28 +/- acres, owned by Elizabeth Y. Barnes and Patsy Y. Edwards, Randy White and Roseann White, Suzanne T. Moore and Eli Zablud, and Danny Vuncannon and Kimbrette Y. Vuncannon.

Moved by: Villadsen

Second by: Kelly

Vote: Unanimous

A copy of Annexation Ordinance A20-05 is attached to these minutes.

7. Village Gate Master Plan & Special Exception Use

Sean Ryan, Development Services, said the purpose of this agenda item is to hold a quasi-judicial hearing on the Village Gate Master Plan and Special Exception Use, Variances, and Waivers. He said that Council approved the Development Agreement in June, 2020, and rezoned the property to CB Community Business at that same meeting. The detailed Master Plan and SEU, Mixed-Use Option is for 93,000 square feet of non-residential uses, 344,144 square feet of residential uses (350 units, or 17.32 units per acre) and 16,360 square feet of educational uses. The site-specific development plans will be presented later in this meeting.

The applicant is requesting four variances:

20-VARTC-07 reducing the minimum side and rear bufferyard on Tract 1;

20-VARTC-08 reducing the minimum Plant Unit Value for thoroughfare yards;

20-VARTC-09 reducing the minimum Plant Unit Value for bufferyards on Tracts 1 and 2; and

20-VARTC-10 reducing the minimum off-street loading dimensions on Tract 3.

The applicant is also requesting a Waiver to allow alternate compliance for Tree Preservation Area Priority. The applicants' presentation will go into further detail on these Variances and Waiver.

Mr. Ryan showed that the area is designated Mixed Use Center on the Land Use and Character Plan, and is zoned CB Community Business: conditional use.

Rachel Jones, Development Services, said that seven intersections were studied as part of the TIA associated with the rezoning. A Fee-in-lieu will be paid for the area of Hwy 55 between Avent Ferry and Main Street. A through-right turn lane would be required at Ralph Stephens Road and Piney Grove Wilbon, as well as a signal improvement. She showed the access points off of Main Street and Ralph Stephens Road, and where secondary emergency access points would be for tracts 1 and 3, and sidewalk connection to the Stephens Tract, per the Developer Agreement.

Ms. Jones said the project would connect to existing water main on S. Main Street, and would connect to gravity sewer to be constructed with the Stephens Tract Townhomes. There is an

offsite easement to connect to an existing manhole on Piney Grove Wilbon Rd. An existing 12" water main, within the old Ralph Stephens right-of-way will be relocated to the current road right-of-way location.

Matt Beard, Parks and Recreation, said that design was underway for the off-site greenway. He showed where it would lie along Piney Grove Wilbon. The Developer will pay for most of the greenway, with the Town covering the remainder through fee waivers. Mr. Beard said construction would be completed before the Solaris building can receive its Certificate of Occupancy. There will be approximately 2500 feet of Greenway.

MPT Berry asked about the boardwalk over the wetlands. Mr. Beard said that they were trying to locate the greenway so that it would not have to be moved if the road were widened in the future.

Mark Stuckey of the Planning Board said there were discussions about anticipated traffic and road improvements. There were discussions about mixed-use options, required street scape, waivers and tree preservation requirements. that the Planning Board recommended approval with a vote of 6-2-1 at their October 27, 2020 meeting. Those voting against were Mr. Crandall, and Mr. Stuckey who both felt more details were needed.

Mayor Sears opened the public hearing and the following input was received:

Laura Holleman, project planner for Village Gate, McAdams Company, said that they are creating something that Holly Springs has never seen, with senior housing, medical offices, ground floor commercial, a state-of-the-art preschool, and public amenities.

Chris Rurkowski, TMTLA Associates, said that completing these as one project will complete the commercial area on South Main Street. They want to blend with the existing street scape. He said the greenway extension of 2500 feet to the corner, with a marker that people are entering Holly Springs.

Due to the shape and geography of the project they are requesting a waiver of the Tree Preservation Area Priority. He said they have an innovative solution for tree preservation. It still provides 10% and meets the other requirements, but there are a number of offsite connections that prohibits a continuous tree area. This allows for a more urban style of development with the buildings along the street, helping to transition from the intensity along Main Street with the more natural corridors along the back.

He outlined the four variances requested.

1. Bufferyard width reduction on Tracts 1 and 2 from 20 feet to 5 feet along the west boundary. There are pinch points along this boundary because of the width of the property. There is an outlet from the Hampton Inn where 20 feet cannot be provided. There is also a point along Ralph Stephens Road where there is not enough land to provide 20 feet. Using the planned landscaping will provide the same screening.
2. Bufferyard Plant Unit Value reduction from C-150 to C-55
3. Front yard buffer reduction from A-75 to Street Trees and Crepe Myrtles to match thoroughfare plantings. This keeps the established character of the street frontage and continues to build on a pedestrian friendly streetscape. It gives them the flexibility to locate trees away from existing utilities along the street front.
4. Loading space width reduction from 12 feet to 9 feet on Tract 3. The loading space will sufficiently accommodate any loading needs of the building along with the parking under the building.

He said he was excited to move forward with the project.

Councilwoman Kelly asked if the 10% tree preservation would be across all three tracts or was one tract more heavily treed than the others. Mr. Rurkowski said that each Tract is close to 10% on its own and Tract 2 which is slightly under, is made up across the other tracts.

Mayor Sears closed the public hearing.

MPT Berry asked the Town Attorney to comment on the cross-access question on Tract 3. John Schifano, Town Attorney, said the Town has the authority to require this cross-access easement and it is proper in this case. The Town's Ordinance and the State Fire Code both require it. But the cross-access easement is not a factor in Council's decision on the Variances, for which you need only weigh the evidence on the variances.

Action 1: Motion to adopt Resolution 20-38 to make and accept the Findings of Fact for consideration of and to approve SEU, Variances, and Waivers.
A copy of Resolution 20-38 is attached to these minutes.

Moved by: Wolff
Second by: Kelly
Vote: Unanimous

Action 2: Motion to approve Village Gate Detailed Master Plan with the conditions as stated in the agenda packet.

Moved by: Villadsen
Second by: Berry
Vote: Unanimous

8. 348 W. Earp Street Special Exception Use 20-SEU-08

Cheryl Caines, Development Services, said the purpose of this item was to consider a request for a Special Exception Use to allow a single-family dwelling in the Village District Area. The lot is at 348 W. Earp Street in the Downtown Village District, and is zoned R-15 Residential. She showed a proposed plot plan and elevation for the home.

Bronwyn Bishop, Development Services, said that a right-of-way dedication across both frontages and a new 5-foot public sidewalk would be built. The home would connect to public water and sewer.

Mark Stuckey, Planning Board, said that Planning Board recommended approval with a vote of 8-0-1.

Mayor Sears opened the public hearing and the following input was received: none.

Mayor Sears closed the public hearing.

Action 1: Motion to adopt Resolution 20-41 to make and accept the Findings of Fact for consideration of and to approve SEU.

Moved by: Villadsen
Second by: Berry
Vote: Unanimous

A copy of Resolution 20-41 is attached to these minutes.

Action 2: Motion to approve Development Plan for 348 W. Earp Street with the conditions stated in the agenda packet.

Moved by: Berry
Second by: Kelly
Vote: Unanimous

9. New Hill Vet Clinic 19-SEU-09

Caleb Allred, Development Services, said that this item was to consider a Special Exception Use and related Development Plan for the New Hill Vet Clinic. The SEU would not be for the entire parcel, located at 3421 New Hill Holleman Road, just south of Friendship Road, near the US 1 interchange. It would be a partial parcel SEU. The site is located across from the Town Yard Waste Transfer Location, which has no utilities and is just a transfer site for yard waste. The land is designated Business and Industrial on the Future Land Use plan, and is zoned R-30 Residential. A vet clinic is a permitted special exception use in R-30 Residential.

Mr. Allred said that the applicant is requesting variances to allow the use of gravel instead of hard surface parking, and to not require a curb and gutter in the parking area. He is also requesting a waiver of powerline relocation and utility connection. Mr. Allred showed the site plan and the landscaping plan. All development standards and requirements are met on this partial parcel. He showed the existing building which will be converted to the clinic, and there would be the addition of a ramp to meet ADA guidelines.

Mark Stuckey, Planning Board, said that the Planning Board recommended approval with a vote of 8 – 0 – 1. The biggest concern with this project, was traffic on New Hill Holleman Road.

Bronwyn Bishop, Development Services, said that there are no Town utilities within 4.5 miles, which is why a Waiver of Annexation was previously approved. She said there would be a right-of-way dedication across the entire property frontage, in accordance with the Comprehensive Transportation Plan along New Hill Holleman Road, and a sewer easement would be provided along the back of the property for future sewer outfall, for long-range planning purposes. She said that the average daily vehicles for this business would be 8 vehicles, so no TIA was required. The driveway and parking meet the design standards.

Councilwoman Kelly asked about the partial parcel designation, how it would be monitored, and if the property owner would have to return to Council for an additional SEU if the vet practice grew. Mr. Allred said a landscape buffer is being provided on the property between the uses. There is no formal fencing, but the landscaping would designate the boundary. If the applicant wants to extend the SEU to another part of the property, they would need to come back for a separate SEU. Staff does have a compliance officer who goes to all commercial locations to make sure they are in compliance. Councilwoman Kelly asked about renovations of the existing building. Mr. Allred said the building is required to come up to commercial code, so it might not show up on the exterior, but the interior will be renovated. Councilwoman Kelly asked about signage and Mr. Allred said the applicant will present a sign plan and staff is working with them.

Councilwoman Kelly asked Town Attorney John Schifano if the Town had done this before and if it was ok. Mr. Schifano said that there is no requirement that zoning has to follow property lines. In this case an SEU is following a portion of the property line. Mr. Allred said that a surveyor went out and drew the partial parcel lines and provided a legal description, so it can be verified where that boundary is.

Councilman Wolff asked if there any concerns with having a handicapped accessible parking spot in a gravel parking lot. Mr. Allred said there is one hard surface parking spot for handicapped parking, next to the ramp.

Mayor Sears opened the public hearing and the following input was received:

Dr. Alex Fisher, 108 Oakmoss Trail, Holly Springs, the applicant, said that he is a graduate from Tuskegee School of Veterinary Medicine in Tuskegee, Alabama and has over 20 years of general medicine and surgery experience. He has been a mobile vet in the Raleigh area since 2006. He bought the land in 2011 and it is currently used as a small farm for crops and livestock. Six and a half of the seven and a half acres will continue to be used as a farm, and one acre would be used for a small animal veterinary clinic. The existing 2,000 square foot building on the property would be used as the clinic. He said the proposed use would maintain the agricultural rural look and therefore would not adversely affect adjacent property values. The proposed use will be consistent with the character and land use of the Town of Holly Springs. He said the clinic would operate Monday – Thursday from 8 am to 6 pm and would primarily serve pet owners and farmers. Water

and sewer would be from a well and septic system regulated by Wake County and the building will be ADA compliant. The property will be accessible through a paved driveway from New Hill Holleman Road, and a sidewalk will be placed from the road to the clinic to allow pedestrian access.

Councilman Wolff asked what besides companion animals would be treated. Dr. Fisher said goats to guinea pigs. Only small trailers, for goats, would come to the clinic. He would go to larger animals. Councilman Wolff asked about any outdoor boarding facilities. Dr. Fisher said he had no plans to board. Dogs get noisy and he wants to keep the noise down.

Dr. Fisher said that the façade of the building – using an existing house has been done before in Holly Springs ETJ, the chiropractor up the street has also done that. It is a way for us to operate without spending as much money. He said he would maintain the look of the house as it is.

Hazel Lee, said she represented herself and her three sisters who own property across from the subject property, at 3504 New Hill Holleman Rd. She thanked Mr. Allred for answering their many questions promptly. She said they did not have adequate time to do the research themselves. In the future she would appreciate notices at least 2 weeks ahead of any hearing affecting 3504 New Hill Holleman Rd. After reviewing the Findings of Fact document, they do not see supporting evidence to defend the answers to the questions on how the clinic will impact the community at large. They want to see supporting documents that support the questions. The soil, water, and vegetation should be tested and monitored. How can they be assured that this clinic will not adversely affect the decision of one sister or an heir to build a single-family residence in the future. She said they are also afraid it will increase their taxes or impact their ability to sell at a fair market value. They are concerned about air quality due to large animal waste. They are concerned about the disposition of dead farm animals. She asked who she should contact to get the supporting documentation on the SEU.

Joseph Theoforus, 8405 Old Bethel Church Lane, spoke against the sewer easement which is part of the SEU. His complete statement is attached to these minutes.

Mayor Sears closed the public hearing.

There was discussion about what the statutory notice was for this hearing, and that it had been met. MPT Berry asked if the sewer easement was required because of the Town's long-range plan. Mr. Schifano said it was, and that it is a paper easement. We will not be taking down any trees or doing any construction.

Councilwoman Kelly asked if, because the neighbors say they have not had enough time, Council was willing to defer this decision, so that there is time for them to get their questions answered. Councilman Wolff said that if staff is convinced that the notices were sent out in time, the applicant has done their due diligence. Mr. Allred said he was confident that the notice was sent out 10 days prior to the hearing but does not know when it was received. Mr. Schifano said that state statute says it must be mailed 10 days in advance, but staff also posted the property, and it is a well-traveled road. We cannot control the speed of the post office. But it is within Council's purview to defer it for two weeks.

Council decided to proceed.

Action 1: Motion to adopt Resolution 20-40 to make and accept the Findings of Fact for consideration of and to approve SEU, variances and waivers.

Moved by: Villadsen

Second by: Berry

Vote:

Aye: Berry, Villadsen, Wolff

Nay: Kelly

The motion passed.

A copy of Resolution 20-40 is attached to these minutes.

Action 2: Motion to approve Development Plan for New Hill Vet Clinic with the conditions stated in the agenda packet.

Moved by: Wolff

Second by: Berry

Vote:

Aye: Berry, Villadsen, Wolff

Nay: Kelly

The motion passed.

Consent Agenda

The Council passed a motion to approve all items on the Consent Agenda. The motion carried following a motion by MPT Berry, a second by Councilman Villadsen and a unanimous vote. The following actions were affected:

10. Minutes – The Council approved minutes of the Council business meeting held November 3, 2020 and the workshop meeting held November 10, 2020.

11. Avent Ferry Road Widening Project Change Order - The Council approved a change order and budget amendment increasing the project budget by \$92,000 to incorporate an additional turn lane funded by the developer.

A copy of the budget amendment is attached to these minutes.

12. Voluntary Annexation A20-07, 1637 Avent Ferry Rd. - The Council adopted Resolution 20-36 directing the Town Clerk to investigate the sufficiency of Annexation Petition A20-07 and set public hearing for December 1, 2020.

A copy of Resolution 20-36 is attached to these minutes.

13. Signal Fiber Contract Approval and Budget Amendment - The Council approved the agreement between Hyper Networks, Inc. and the Town of Holly Springs for the installation of a conduit network and fiber for the connection of traffic signals within the Town limits, in the amount of \$308,273.76 and a budget amendment in the amount of \$339,102 to fund the contractor's RFP amount plus 10 percent contingency.

A copy of the budget amendment is attached to these minutes.

NEW BUSINESS

14. Peterson Station Developer Agreement and Plan Amendment 16-DP-17-A03

Sean Ryan, Development Services, said the purpose of this item was to consider a request for an amendment to the Development Plan and Developer Agreement for Peterson Station to modify the project phasing. He reviewed the location of the project and its mixed-use designation and LB: Local Business zoning. He said the Developer Agreement included 182 residential units for Phase 1 permits. The original agreement required the Commercial Buildings along the Sunset Road frontage to be developed first, the request is to develop the residential along the back of the property first. The Developer is required to install a new traffic signal at Sunset Lake Road and Stephenson Road, turn lanes, and all other improvements. Prior to Phase 1 certificate of occupancy, the Developer must apply for and receive a permit on all buildings that contain commercial units and the buffer plantings must be installed.

Mark Stuckey of the Planning Board said that the Planning Board recommended approval with a vote of 5-3-1 at their October meeting. Voting against were Mr. Deshazor, Mr. Crandall, and Mr. Brady, who had concerns that the retail would be left off the project, never be built and would

leave an empty space. Discussions were held on the concern of allowing the residential to be constructed first, and that by moving forward with residential would the retail be left off entirely.

The applicant, Tom Spaulding with Spaulding Group, said there has been some minor grading, but they want to move forward. He said that the current situation, with retail vacancy rates, means building residential property means he could build something he could actually rent. He said that Mr. Peterson, looking at his numbers, said that having the retail standing empty would not be good for his financial situation. He said they want to modify the project phasing so that construction on the stand-alone apartment buildings may begin prior to the mixed-use buildings. Building 57% of the residential would bring more traffic to encourage retail to come. The developer would agree to no vertical construction (i.e. no framing inspections) until the new traffic signal at Sunset Lake Rd. and Stephenson Rd. is installed, accepted by NCDOT, and operational. No Certificates of Occupancy shall be issued for Phase 1 until the Developer applies for and receives permits for all buildings that contain commercial units. These permits would amount to over one million dollars so that is not a small investment. The Smith Road and Ten Ten Road intersection improvements would also be completed with Phase 1.

Mr. Spaulding said that the Developer shall obtain approval of the Gateway Feature by Council prior to application for Phase 1 permit. The Gateway Feature may be constructed at any time prior to completion of the Developer's work in Phase 1. The property is on the Cary – Holly Springs line and this will provide a nice Welcome to Holly Springs designation. Also, prior to obtaining a first CO for each phase of the project, the Developer shall comply with each of the following requirements of the phase of the Project:

- Buffering requirements;
- Public realm areas
- Developed areas such as parking, landscaping street trees, and any other infrastructure within the Project area.

Phase 1 would be 182 residential units out of a total of 317 units (or 57%) an Amenity Center and Pool, roadway improvements, including traffic light, and the Town of Holly Springs Gateway Signage.

Jeff Peterson, said this was the fourth time before Council for this project, so you are familiar with this. He said that retail is his passion and it is his favorite part of the project. But when COVID hit, commercial property took a hit. This project has always been touted as neighborhood businesses, the small "mom and pop" businesses. These are the businesses most affected by the lockdown. They are not looking to expand right now. There is no bank that will finance retail property right now. He has every anticipation of moving right in to Phase 2. He said if they get the 182 units done, I-540 will be close to finished, COVID will be in our rearview mirror and we can move forward with this. He said they will complete all the infrastructure first, 90-95% of site work will be done and all permitting fees will be paid upfront, before the first CO is issued. If they have paid for it, they will build it.

Councilwoman Kelly asked how much of the parking would be built with Phase 1. Mr. Spaulding said that all of the parking will be built up front.

Mayor Sears asked John Schifano, Town Attorney, if staff was comfortable with the agreement from a legal point of view, and Mr. Schifano said yes. There was discussion about the risk to the Town both of accepting this amendment, and in rejecting it, and how COVID has impacted the decision on this project.

Action 1: Motion to approve Major Development Plan Amendment for Peterson Station with the conditions stated in the agenda packet.

Moved by: Wolff

Second by: Villadsen

Vote: Unanimous

Action 2: Motion to approve Developer Agreement.

Moved by: Villadsen
Second by: Wolff
Vote: Unanimous

Randy Harrington, Town Manager, said there had been some feedback, and people online are having a hard time hearing, so he asked that people speak directly into their microphones.

15 - 17. Village Gate Tracts 1, 2 and 3 Development Plans

Development Plans for Tract 1 (20-DP-14) Tract 2 (20-DP-12) and Tract 3 (20-DP-13) were handled together.

Cheryl Caines, Development Services, said this item was for Council to consider requests for Development Plans for Village Gate Tracts 1, 2, and 3. She identified the tracts, with Tracts 1 and 2 being on the west side of Main Street between Ralph Stephens Rd. and GB Alford Highway, and Tract 3 being on the east side of Main Street at Ralph Stephens Road. All three tracts are designated mixed-use center on the Land Use and Character Plan, and are zoned CB Community Business, with a conditional use.

Ms. Caines said that Tract 1 includes a 159-unit age-restricted (senior) apartment building of approximately 195,844 square feet and there is space for 12,000 square feet of commercial, which will be a future development petition. Tract 2 includes 60,000 square feet of professional office uses within two buildings. They are requesting Waivers to increase the building bay width for buildings one and two, and reduce the minimum off-street loading dimensions. Tract 3 includes 21,000 square feet of integrated center, with 160 dwelling units in a mixed-use building, a child care center and an art park. Waivers requested for Tract 3 are a reduction in the amount of brick/stone for the mixed-use building and the kiosk building, a reduction in the amount of glass for the kiosk building, and alternate compliance with all façade requirements for the child care campus. The applicant will go into more detail on the requested waivers.

Rachel Jones, Development Services, reviewed the transportation information given during the public hearing part of this meeting. These requirements apply to all three Tracts of the project.

Matt Beard, Parks and Recreation, offered to answer any questions about the greenway project. There were none.

Ms. Jones then showed where secondary emergency access would be, with cross-access and connection to Stephens Tract, per the Developer Agreement. She explained that the secondary emergency access to Tract 3 was required by NC Fire Code. A fire-flow analysis was completed with each development plan.

Mark Stucky, Planning Board, said they recommended approval with a vote of 6-2-1.

Chris Rurkowski, said that the densities to be described were per the Developers Agreement, and showed how the buildings would be sited on the land and potential elevations for the Aspens Senior Living on Tract 1. He showed an exterior and discussed features and amenities that would be provided. There is a covered drop off area, 4 stories of living space, and covered surface or garage parking. Access will be from a dedicated right-turn lane off of Main Street.

Mr. Rurkowski said that Tract 2 would be a medical office and office buildings. He showed proposed elevations for the two buildings. He discussed materials to be used in the exterior construction of the buildings, and the public art at the corner. He said the parking waiver was because they did not see tractor trailer trucks being needed to make deliveries, but only smaller delivery trucks.

Ted Van Dyk, architect, said these are not waivers so much as alternate compliance. He said that they were trying for a more restrained, professional look, rather than a retail space with numerous entries. There are curved, generous entries that are focal points.

Mr. Rurkowski said Tract 3 is anchored Solaris Building, Art Park, and Oak Village Academy, he showed proposed elevations and the plan for a pool on the second level terrace above the entrance for residents. He showed a rendering of the art park, with kiosk building and the Oak Village Academy. The Academy has various styled buildings, surrounded by a stone/brick wall to unify the look, and features secure outdoor area for the children to play. He discussed the

building materials to be used for the buildings on Tract 3. Solaris has downstairs retail and residential above. There is a gathering area between the building and the street, a skating rink that could transform to a stage for events. Fifty of the apartments will be work force housing. Between Solaris and the Academy is the art park with a stage, public art, outdoor seating.

Mayor Sears asked about the age group for the Academy. Eli Zablud said 6 months to 6 years.

Mr. Van Dyk said the waivers for Tract 3 are because it has a variety of uses and they are trying to unify them. The waivers are variations in quantity of materials, more floor to ceiling glass for a residential look. They are only altering percentages of these materials. The Kiosk is only a 300 square-foot enclosure so the UDO standards were difficult to maintain, so they varied the areas and percentages, while still keeping a unified look. The Village Academy is built at a great scale for kids, residential scale, and with lots of outdoor space. There is a masonry wall around the project to tie it back to the materials in the main development, and to have the variety and warm residential feel for the preschool.

Mayor Sears asked what the skating rink is made out of. Mr. Zablud said it is a component plastic that can be skated on with blades, but in the summer it can be converted to other uses.

Councilwoman Kelly asked if the intent was to have the skating rink open to the public? Mr. Zablud said yes, the whole area would be open to the public.

Tract 1

Action: Motion to approve Village Gate Tract 1 with the conditions stated in the agenda packet.

Moved by: Berry

Second by: Villadsen

Vote: Unanimous

Tract 2

Action 1: Motion to adopt Resolution 20-39 to make and accept the Findings of Fact for consideration of Waivers.

Moved by: Kelly

Second by: Wolff

Vote: Unanimous

A copy of Resolution 20-39 is attached to these minutes.

action 2: Motion to approve Village Gate Tract 2 with the conditions stated in the agenda packet.

Moved by: Villadsen

Second by: Wolff

Vote: Unanimous

Tract 3

Action 1: Motion to adopt Resolution 20-42 to make and accept the Findings of Fact for consideration of Waivers.

Moved by: Wolff

Second by: Berry

Vote: Unanimous

A copy of Resolution 20-42 is attached to these minutes.

Action 2: Motion to approve Village Gate Tract 3 with the conditions stated in the agenda packet.

Moved by: Berry
Second by: Villadsen
Vote: Unanimous

18. Comprehensive Transportation Plan Steering Committee

Randy Harrington, Town Manager, introduced Emmily Tiampati, Development Services, the Town's new Transportation Planner. She has been with the Town for about 4 weeks, and comes to us with a lot of transportation planning experience in Arkansas, Florida, and other places.

Ms. Tiampati, Development Services, said that as was discussed in a previous meeting, a steering committee is being formed to provide technical feedback and local expertise in the development of the Comprehensive Transportation Plan's (CTP) goals and recommendations. The plan will be multi-modal, addressing pedestrian, bicycle, public transit as well as streets and highways. The CTP was last completed in June of 2011, with an amendment in July of 2013. The current process was started in October 2020, and adoption of the new CTP is anticipated in January 2022.

The suggested composition of the 15-member committee is a mixture of Town residents and technical experts in transportation. They will hold a maximum of 6 meetings at key milestones in the process. Staff has suggested 10 members from technical advisors from local groups such as CAMPO, NCDOT, and Planning Board members. Council is being asked to name five members:

- A council member;
- A van pool/bus rider representative;
- A Holly Springs High School student;
- A resident-at-large / Senior; and
- A resident-at-large

No.	First Name	Last Name	Group	Company
1	Alex	Rickard	Technical Advisor	CAMPO
2	Baohong	Wan	Technical Advisor	VHB Town's contracted TIA 3rd party reviewer
3	Cara	Hylton	Non-resident developer	ABCZ Properties/ Trustwell
4	Craig	Ashby	Holly Springs Advocay Groups/Clubs	Holly Springs Senior Walking
5	David	Stallings	Residential Developer	Shenandoah Homes/ Capital Properties/Capital Grading
6	Erin	Convery	Technical Advisor	GoTriangle
7	Jackie	Miller	Holly Springs Advocacy Groups/Clubs	Holly Springs Cyclist
8	Rick	Madoni	Planning Board	Planning Board
9	Ryan	Monteleone	Holly Springs Advocacy Groups/Clubs	Holly Springs Run Club
10	Sean	Brennan	Technical Advisor	NC DOT
11			Town Council	Town Council
12			Van Pool/Bus Rider Rep	
13			HS High School Student	
14			Resident at large - Senior	
15			Resident at large	

Councilwoman Kelly said that this group does not represent Old Holly Springs. The older neighborhoods that did not have sidewalks need to be represented. Randy Harrington said that was a great comment, and that Council's appointment of one of the five could reflect the type of input they would like to have. There was discussion about coming back at the next meeting with options for the five positions to be appointed by Council.

MPT Berry said he was willing to serve as the Council member. Councilman Wolff said Councilman McGrath might like to do it, and he is not here. Mayor Sears said he would like to bring it back in December to get the last five names.

Ms. Tiapati said that there would be other stakeholder groups and those could focus on the underrepresented areas and people.

Action: Motion to appoint the first ten members of the Comprehensive Transportation Plan Steering Committee as outlined above, with the understanding that a group or organization may designate an alternate member to participate.

Moved by: Villadsen

Second by: Wolff

Vote: Unanimous

19. Changes to Memorandum of Agreement with Wake County and other development partners

John Schifano, Town Attorney, said that the purpose of this item was to approve changes to the Memorandum of Agreement (MOA) with Wake County, and approve a Donative Transfer Agreement by Resolution. He said the MOA regarding the 20 acres north of Ting Park between Wake County, the Town, My Computer Career, and DHIC for a mixed use residential and office tract did not state that the Town would take title from the County. The Transfer Agreement states that the Town will take title to the 10 acre western parcel retail tract, at no cost. The Town has three years to either develop it for public use, or transfer it for economic development purposes. If transferred, the Town must convey for fair market value, and transmit funds to Wake County. We agree to sell the property for fair market value to the corporation for their headquarters.

There was some discussion of road improvements, and whether this alters the Town's ability to get those done by developers. There was discussion about rezoning, and Mr. Schifano said that in order for the conveyance to go through the land would have to be rezoned. Council is not obligated to rezone it. Council is obligated to consider rezoning it. There is no *quid pro quo* because Council is not required to rezone. If you do not rezone, there is no penalty you just don't get the property. If you do rezone and DIHC says they aren't interested in developing it, you have choices. You can still sell for economic development purposes, or you can clear it, grade it, and use it for public use. In any case the town is not out any cash.

Action: Motion to approve revised Memorandum of Agreement (MOA) and to adopt Resolution 20-44.

Moved by: Villadsen

Second by: Kelly

Vote: Unanimous

A copy of Resolution 20-44 is attached to these minutes.

OTHER BUSINESS

Mayor Sears said that there had been 671 cases of COVID 19 in our zip code, with 2 deaths; 25,133 cases in Wake County with 280 deaths since March. He said he was on a healthcare Zoom this morning. Rex, Duke and WakeMed are now working together every day to get this pandemic solved. This is a first because they were very competitive before COVID. Also, speeding is still not nice.

Councilwoman Kelly said she the Historic Marker for the Holly Springs Elementary School is going to be installed on Sunday at 3:00 at the Hunt Center. There is also a tree being planted at Womble Park in honor of Mr. Hunt. She thanked the community for coming together to provide

Thanksgiving meals for those in need. She asked residents, if they know anyone in need, to contact any of us and we will reach out to those people.

Councilman Wolff said at the workshop there was a long discussion about changes to annexation policy and how that related to state statutes and what we are allowed to do. Some proposed legislation has been going around for years. With the changes in representatives at the state level, there is a chance to work with them. There have been instances in the past where Statutes got in the way of what we think is best for the Town. He would like to create a legislative agenda committee, made up of two Councilmembers, (he and Mayor Pro Tem Berry) and the Town Attorney, and Town Manager starting this year. The long session is coming up quickly, with an opportunity for us to have an impact. He sees the committee meeting and coming up with recommendations that the full group can agree on, bring these ideas back to the full Council, and then get together with state representatives so that we can start making requests to better serve our constituents. Mayor Sears said that he likes this idea, and he would like to get back into working with the General Assembly. He had a great conversation with Erin Pere and she was very receptive. MPT Berry said he was supportive. It would be good to formalize the agenda, and then get buy-in from the whole Council.

Mayor Sears said that 28 Mayors across NC came up with top priorities: #1 funding for DOT, #2 affordable or workforce housing. Those two items rose to the top.

MANAGER'S REPORT

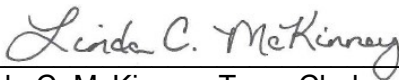
Randy Harrington, Town Manager, said he had 4 items. The first related to Councilwoman Kelly's mention, the Holly Springs Historical Marker unveiling at will be Sunday at 3pm, and it will be livestreamed for those who want to watch from home. The school educated black youth from the 1920s until the 1970s. Second, we have undertaken ADA transition plan, on December 1st there will be a virtual presentation at 4pm. At Hollyspringsnc.gov, go to the calendar for the link to join in on how to improve accessibility. Third, leaf season is off to a big start. He requests that the community look at the information that was sent out on how they can help. The intense rain last Thursday showed that we need not to pile leaves on the road or in front of drains because it exacerbated flooding.

Finally, reminder that next week Town offices will be closed on Thursday and Friday, and he wished everyone a happy Thanksgiving.

CLOSED SESSION: None.

Adjournment: Mayor Pro Tem Berry made a motion to adjourn at 9:44 pm. It was seconded by Councilman Villadsen and passed with a unanimous vote.

Respectfully Submitted on Tuesday, December 1, 2020.



Linda C. McKinney, Town Clerk

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



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 8.

Consent Agenda

Title: Position reclassifications resulting from departmental realignments

Strategic Priority Area: Organizational Excellence

Staff Resource: Erika Phillips, Director, Human Resources, Scott Chase, Asst. Town Manager

Action(s):

Approve requested reclassifications and title changes resulting from Departmental Realignments.

Explanation:

- Effective October 1, 2020, the Town Manager implemented organizational realignments that resulted in the creation of two new departments and significant revising of employee work responsibilities. The realignment included the following:
 - Planning & Zoning, Engineering and Codes Inspections teams merged into one, new Development Services Department
 - A new Utilities & Infrastructure Department which will manage water and sewer assets and other town infrastructure construction projects.
 - Additionally, facilities and maintenance of buildings moved from Parks and Recreation to Public Works.
- As outlined in the presentation provided to Town Council on October 20, a reclassification of some positions and in some cases only title changes would be requested due to roles and responsibilities changing to meet the new service needs and expectations of the realignment.
- A position reclassification can change one or all of the following position characteristics: duties, responsibilities, job title, and pay grade.
- No new positions are requested in this action.
- The following full-time personnel reclassification and title changes require Council approval and include:

Department	Current Position Title	Current Grade/Salary Range	Recommended Position Title	Recommended Grade/Salary Range
Development Services	Zoning Services Administrator	81/\$57,289 - \$94,990	Customer Service and Compliance Division Manager	83/\$63,161 - \$104,727
Development Services	Development Inspections Administrator	84/\$66,320 - \$109,964	Land Development Division Manager	85/\$69,636 - \$115,460
Development Services	Inspections Director	89/\$84,642 - \$140,343	Chief Building Official (Division Manager)	85/\$69,636 - \$115,460

Town Council Business Meeting
December 1, 2020

Development Services	Development Plans Reviewer	81/\$57,289 - \$94,990	Development Construction Manager	83/\$63,161 - \$104,727
Development Services	Administrative Manager	77/\$47,131 - \$78,148	Central Permitting Supervisor	79/\$51,962 - \$86,159
Development Services	Principal Planner	83/\$63,161 - \$104,727	Current Planning Manager	83/\$63,161 - \$104,727
Development Services	Permit Assistant	71/\$35,171 - \$58,315	Permit Specialist	71/\$35,171 - \$58,315
Development Services	Administrative Support Specialist	71/\$35,171 - \$58,315	Development Technician	73/\$38,774 - \$64,291
Development Services	Development Specialist	75/\$42,847 - \$70,882	Development Review Coordinator	75/\$42,847 - \$70,882
Development Services	Development Inspections Supervisor	81/\$57,289 - \$94,990	Development Construction Coordinator	81/\$57,289 - \$94,990
Utilities & Infrastructure	Engineering Director	91/\$93,322 - \$154,735	Executive Director - U & I	92/\$97,985 - \$162,469
Utilities & Infrastructure	Assistant Engineering Director	85/\$69,636 - \$115,460	Principal Engineer	85/\$69,636 - \$115,460
Utilities & Infrastructure	Administrative Manager	77/\$47,131 - \$78,148	Business Asset Manager	80/\$54,561 - \$90,467
Utilities & Infrastructure	Public Works Technician	70/\$33,497 - \$55,540	Utilities Maintenance Technician	70/\$33,497 - \$55,540
Utilities & Infrastructure	Project & Construction Manager	84/\$66,320 - \$109,964	Facilities & Site Project Manager	84/\$66,320 - \$109,964
Utilities & Infrastructure	Water Reclamation Facility Operations Supervisor	83/\$63,161 - \$104,727	Water Reclamation Facility Operations Manager	83/\$63,161 - \$104,727
Utilities & Infrastructure	Lab Supervisor/Pretreatment Coordinator	79/\$51,962 - \$86,159	Environmental Compliance Manager	79/\$51,962 - \$86,159
Utilities & Infrastructure	Program Support Specialist	73/\$38,774 - \$64,291	Infrastructure Coordinator	74/\$40,713 - \$67,504
Utilities & Infrastructure	Administrative Support Specialist	71/\$35,171 - \$58,315	Asset Management/ADA Coordinator	75/\$42,847 - \$70,882
Utilities & Infrastructure	Administrative Specialist	71/\$35,171 - \$58,315	Utility Permitting Specialist	71/\$35,171 - \$58,315

- The requested reclassifications require significantly different levels of knowledge, skill, decision-making, discretion, independence of action, complexity, responsibility and in

some cases expanded supervisory roles and impact to the division and/or organization than indicated in the existing job classification and title.

- The reclassifications also reflect consideration of equity within the present Fiscal Year 2020-21 Position Classification Plan approved as part of the Fiscal Year 2020-21 budget. These changes will be reflected accordingly in the Fiscal Year 2020-21 plan upon approval by Town Council.
- The total budget impact of these changes on the remaining Fiscal Year 2020-21 operating budget is \$41,158.35. If approved, the reclasses would be retroactive to October 1, 2020.
- This budget impact will be covered with the \$15,000 that was approved in the Fiscal Year 2020-21 budget for purposes associated with the realignment plus lapse salaries due to vacant positions and or hiring delays. This budget impact will be absorbed within existing budget appropriations.

Background:

- Occasionally, existing positions require reclassification to ensure that pay and position titles reflect the actual work performed by an employee.
- Reclassification requests are typically made through the annual budget process. However, periodic reclass considerations outside of the budget process are sometimes necessary to address strategic or particularly unique circumstances that are time sensitive.
- The requested reclassifications and title changes are necessary due to the realignment of departments, specifically Development Services and Utilities & Infrastructure.

Funding Source(s):

- General Fund Operating Budget
- Utility Fund Operating Budget

Attachment(s):

None



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 9.

Consent Agenda

Title: Calendar Year 2021 Town Council Meeting Schedule

Strategic Priority Area: Organizational Excellence

Staff Resource: Linda McKinney, Town Clerk

Action(s):

Adopt Calendar Year 2021 meeting schedule.

Explanation:

- An official calendar of Council meetings is adopted by the Town Council and filed each year in the Town Clerk's office.
- The Town Council holds business meetings at 7 p.m. the first and third Tuesday of each month, and workshop meetings at 6:00 p.m. on the second Tuesday of each month.
- By adopting an official schedule each calendar year, the Town Council also has the opportunity to consider in advance any conflicts the regular meeting schedule may have with events or holidays and make changes to times or dates accordingly.
- Council's adopted meeting calendar may be amended by Council's vote at any point during the year.

Background:

- The recommended calendar was developed in consultation with the Mayor and Town Manager.
- The recommended calendar reflects the following meeting cancellations:
 - First Tuesday meeting in July (July 6) due to the Independence Day holiday;
 - First Tuesday meeting in August (August 3) and the August 10th workshop.

Funding Source(s):

N/A

Attachment(s):

1. 2021 TC Calendar of Meetings - draft

First Tuesday:

Council Regular meeting 7 p.m. in Town Hall Council Chambers.

Second Tuesday:

Council Work Session 6 p.m. in Town Hall, Holleman Room or Law Enforcement Center, Training Room..

Third Tuesday:

Council Regular meeting 7 p.m. in Town Hall Council Chambers.

	Jan. 5, 2021	7:00 p.m. Council Regular meeting
	Jan. 12, 2021	6:00 p.m. Council Workshop
	Jan. 19, 2021	7:00 p.m. Council Regular meeting
	Feb. 2, 2021	7:00 p.m. Council Regular meeting
	Feb. 5-6, 2021	2021 Annual Retreat - The Rizzo Center
	Feb. 9, 2021	6:00 p.m. Council Workshop
	Feb. 16, 2021	7:00 p.m. Council Regular meeting
	Mar. 2, 2021	7:00 p.m. Council Regular meeting
	Mar. 9, 2021	6:00 p.m. Council Workshop
	Mar. 16, 2021	7:00 p.m. Council Regular meeting
	Apr. 6, 2021	7:00 p.m. Council Regular meeting
	Apr. 13, 2021	6:00 p.m. Council Workshop
	Apr. 20, 2021	7:00 p.m. Council Regular meeting
	May 4, 2021	7:00 p.m. Council Regular meeting
	May 11, 2021	6:00 p.m. Council Workshop (budet presentation)
	May 18, 2021	7:00 p.m. Council Regular meeting (budget public hearing)
	May 25, 2021	6:00 p.m. Council Budget Workshop at LEC
	June 1, 2021	7:00 p.m. Council Regular meeting
	June 8, 2021	6:00 p.m. Council Workshop
	June 15, 2021	7:00 p.m. Council Regular meeting
	July 13, 2021	6:00 p.m. Council Workshop

	July 20, 2021	7:00 p.m. Council Regular meeting
	Aug. 17, 2021	7:00 p.m. Council Regular meeting
	Sept. 7, 2021	7:00 p.m. Council Regular meeting
	Sept. 14, 2021	6:00 p.m. Council Workshop
	Sept. 21, 2021	7:00 p.m. Council Regular meeting
	Oct. 5, 2021	7:00 p.m. Council Regular meeting
	Oct. 12, 2021	6:00 p.m. Council Workshop
	Oct. 19, 2021	7:00 p.m. Council Regular meeting
	Nov. 2, 2021	7:00 p.m. Council Regular meeting
	Nov. 9, 2021	6:00 p.m. Council Workshop
	Nov. 16, 2021	7:00 p.m. Council Regular meeting
	Dec. 7, 2021	7:00 p.m. Council Regular meeting
	Dec. 14, 2021	6:00 p.m. Council Workshop
	Dec. 21, 2021	7:00 p.m. Council Regular meeting



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 10.

Consent Agenda

Title: Avent Ferry Road Realignment (Transportation Bond) Change Order #3 (TOHS Project # 19-007)

Strategic Priority Area: Economic Prosperity & Diversity
Responsible & Balanced Growth
Safe & Friendly
Engaged, Healthy, & Active Community

Staff Resource: Tim Athy, Utilities and Infrastructure

Action(s):

- Approve Mead & Hunt Design/Survey contract Change Order #3 in the amount of \$280,012.00.
- Approve budget amendment transferring \$180,012.00 from contingency 48 620 82.97 to project account 48 620 12.01.
- Approve budget amendment transferring \$100,000.00 from interfund loan 22.95.04 to project account 48 620 12.01.

Explanation:

- This change order reflects:
 - Town of Holly Springs utility relocation & abandonment design and survey services that could not accurately be determined in the original scope of services.
 - Design/survey services for the Locally Administered Projects Program (LAPP) funded portion of the project.
- In the fall of 2019, the town was awarded a \$1.0 million Locally Administered Projects Program (LAPP) Grant through the Capital Area Metropolitan Planning Organization (CAMPO) to build 7500 feet of sidewalk and pedestrian crossings.
- The design/survey consultant did not include the LAPP design/survey services in their original contract scope because the project was originally funded in whole by Town Transportation Bond funds and those services were not required.

Background:

- Avent Ferry Road Realignment (19-007): As part of the 2018 Transportation Bond, the Town of Holly Springs will re-align Avent Ferry Road from Cotten Lane to Stinson Avenue via Pine Avenue. This will create a new cross-town connection from Avent Ferry Road to Bass Lake Road. The road realignment will reduce downtown congestion and it will serve as another access to the UNC Rex hospital site.
- The project is included in the FY 2020-21 Community Investment Plan (CIP) with a total

project budget of \$4,960,500.

- Anticipated construction start is mid-2022.
- Change Order #1 to Mead & Hunt's design/survey contract was comprised of a \$19,247.60 contract reduction due to subconsultant services not rendered.
- Change Order #2 to Mead & Hunt's design/survey contract was comprised of a \$45,000.00 contract increase due to LAPP Environmental Studies & Permitting.
- \$180,012.00 of the Change Order #3 amount will be coming out of the project contingency funds; \$100,000.00 will come out of the interfund loan, for a total of \$280,012.00.
 - \$180,012.00 will come out of a planned contract contingency fund set up to account for services that could not accurately be determined in the original scope of services; this allowed for a lower total contract fee.
 - \$100,000.00 will cover the LAPP Grant design/survey services which was not part of the original contract scope because the project was originally funded in whole by Town Transportation Bond funds and those services were not required.
- The project's contingency fund will have a balance of \$49,735.00 after execution of this change order.
- The interfund loan will have a balance of \$1,812,700.00.
- Staff does not expect additional design/survey related change orders for this project.
- The Town Council approved the project budget prior to the start of design/survey.

Funding Source(s):

- \$180,012.00 from project contingency 48 620 82.97 to project account 48 620 12.01.
- \$100,000.00 from interfund loan 22.95.04 to project account 48 620 12.01.

Attachment(s):

1. AFR Realign_Budget_Amendment
2. AFR Realign (BOND) CO #3
3. Project Location Map

Town of Holly Springs Budget Amendment Request

BE IT ORDAINED by the Town Council of the Town of Holly Springs, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2021.

Department: Engineering **Date:** 10/26/2020

Reason for Budget Amendment:

Cost for additional design, surveying, and permitting due to LAPP award for construction of sidewalks for Avent Ferry Road Realignment 19-007 (48-620) and processing Change Order #3

Expense			
Account #	Account Description	Increase	Decrease
48-620 12.01	Professional Services	\$ 280,012	
48-620 82.97	Misc Contingency Expense		\$ 180,012
22 95.04	Operating Transfer Transportation Bond Expense	\$ 100,000	
Total Expense:		\$ 380,012	\$ 180,012

Revenue			
Account #	Account Description	Increase	Decrease
48-620 355.04	Operating Transfer Transportation Bond Revenue	\$ 100,000	
22 355.04	Operating Transfer Transportation Bond Revenue	\$ 100,000	
Total Revenue:		\$ 200,000	\$ -

Department Head Signature (or electronic submission)

Finance Director Signature (if necessary)

Town Manager Signature (if necessary)

Council Approved/Notified (if necessary)

Town Manager is authorized to transfer within a department without prior approval of Town Council.

Town Manager is authorized to approve transfers between departments within the same fund up to \$50,000.

All inter-departmental transfers will be reported to Town Council by the following month.

Amendments that change the total budget or departmental transfers over \$50,000 require Town Council approval.



October 2, 2020

Tim Athy, PE
Transportation Engineer
Town of Holly Springs
128 South Main St.
Holly Springs, NC 27540

Subject: Avent Ferry Road Realignment Change Order #3

Dear Mr. Athy:

Our original contract was broken out into two Task Orders, as the scope of work for specific tasks was not sufficiently known at that time. Now that the design has progressed, the scope and fee for these tasks are being presented in this Change Order. Additionally, proposed sidewalk has been added to this project due to LAPP Funding that was awarded to the Town, which will require additional tasks. Finally, we are requesting contingency fees for future supplemental survey and other potential design tasks to be authorized under this Change Order. All revisions included in this Change Order are summarized below:

Utility Design

2. Surveys

2.1 Topographic Survey and SUE

ESP will provide topographic surveys and Quality Level B and C SUE services for an area approximately 560' long, extending eastward from the previous survey limits on Stinson Avenue. The survey will cover the area within existing Stinson Avenue right-of-way to the far curb return of the first entrance to Parrish Womble Park in order to provide information related to a waterline replacement described below in 9.2 *Utility Design*. See Attachment A for Scope.

2.1 Topographic Survey and SUE

Surveys due to changes or development within the Project Study Area prior to the Final Plans submittal, which was not included in the original scope of work or any change orders.

2.3 Quality Level A SUE

ESP will provide Quality Level A SUE Test Holes up to a depth of 6' to verify specific utility location, depth, size and material based on the design alignment. See Attachment A for Scope.

Quality Level A SUE will be paid based on the unit prices stated below:

- Quality Level A SUE Test Hole (maximum depth of 6') - \$1250 per hole
- Any vacuum excavation deeper than the maximum depth listed above will be paid at the unit price of \$90 per linear foot of vacuum excavation beyond the maximum, billed in 0.1 linear foot increments
- Traffic Control/Lane Closures - \$1500 per day

9. Utility Coordination and Design

9.2 Utility Design

This scope includes the Consultant's design and production of plan and profile construction drawings, in accordance with NCDEQ and Town of Holly Springs Engineering Design and Construction Standards. The water design plan sheets will be incorporated into the Avent Ferry Road Realignment project plans for bidding and construction. The scope of Water Utility Design includes all appropriate appurtenances and fittings for approximately:

- 1,100 LF of 8" water line along Avent Ferry Road Realignment
- 390 LF of 8" water line along Grigsby Avenue
- 1,160 LF of 8" water line along Stinson Avenue
- 970 LF of 12" water line along Avent Ferry Road.

This scope also includes abandonment of approximately 630 LF of the existing 6" water main along Main Street and the relocation of existing service lines from the 6-inch water main to be abandoned to the existing 16-inch water main along Main Street, which will remain in place. Relocations to the existing 30" water main are not anticipated and excluded from this scope. Consultant will note the vertical adjustment of eleven (11) existing sanitary sewer manhole rims within the project limits to match the proposed grade. Sanitary sewer pipe replacement, rehabilitation, and relocation are excluded from this scope.

Consultant will prepare the NCDEQ application, calculations, and Engineer's Report for approval of plans and specifications for water supply systems and will submit the documents directly to NCDEQ to obtain approval and permits. The Client will be responsible for the cost of any required permit applications. The Client shall provide hydrant tests and other flow data for the Consultant to incorporate in any required permits.

Consultant will prepare necessary bid documents for construction of the work to be incorporated into the Avent Ferry Road Realignment project. Additional technical specifications will be prepared as needed. The Town of Holly Springs Engineering Design and Construction Standards and any supplemental technical specifications will be incorporated into the bid document. Consultant will prepare bid quantities and an Engineer's opinion of probable construction cost for Utility Design construction, that will be incorporated into the 65% Plans submittal and subsequently updated for 90% and 100% Plans as covered under 6. *Roadway Design* in the original contract

Roadway Design

2. Surveys

2.1 Topographic Survey and SUE

Surveys due to changes or development within the Project Study Area prior to the Final Plans submittal, which was not included in the original scope of work or any change orders.

2.2 Right-of-Way and Easement Plat Preparation

ESP will provide Right-of-Way and Easement Plat Preparation and Monumentation, accordance with NC GS 47-30 and Client guidelines. See Attachment A for Scope. Plat documents are to be made available after Right of Way (65%) Plans have been approved, at which time the Client will begin Right of Way acquisition.

6. Roadway Design

6.1 Plan Control and Standards

The original scope of work did not include Roadway Design revisions that may become necessary due to development within the Project Study Area. Coordination and design revisions are necessary due to the UNC Rex Hospital and Townes on Main developments.

12. Traffic Signal Plans

12.1 Traffic Signal Design

DAVENPORT will provide Traffic Signal Design. See Attachment B for Scope.

12.2 Metal Pole Design

DAVENPORT will provide Metal Pole Loading Diagrams and Specifications. See Attachment B for Scope.

12.3 Fiber Optic Plans

DAVENPORT will provide Fiber Optic Interconnect Plans. See Attachment B for Scope.

13. Geotechnical Engineering

13.1 Roadway Geotechnical Services

ESP will provide Roadway Geotechnical investigations and recommendations. See Attachment C for Scope.

13.2 Pavement Design

ESP will provide Pavement Design investigation and recommendations. See Attachment C for Scope.

13.3 Bioretention Investigations

ESP, through their subcontracted soil scientist, will provide soil investigations for seasonal high water table and permeability for the bioretention area covered under *19. Bioretention Design*. See Attachment C for Scope.

19. Bioretention Design

19.1 Plan Control and Standards

For purposes of this Scope, it is assumed that hydrology, hydraulics, and conveyance design will be covered under *7.1 Hydraulic Design* in the original contract. The Bioretention plans, profiles, details and specifications listed below will be submitted to the Client for review at the

same time as the Hydraulics deliverables, after 25% Roadway Design approval. The Consultant will address one round of comments from the Client, followed by the appropriate revisions and final approval.

19.2 Preliminary Alternatives

Consultant will investigate the feasibility of incorporating bioretention device(s) into the project design and provide the Client with conceptual design for up to four (4) locations, including design assumptions and concept notes. Bioretention concepts will be submitted to the Client with the Preliminary Roadway Design Plans.

19.3 Plan View

Consultant will provide a detailed plan view with notes for the bioretention design. It is imperative to have detailed notes in the plan view to provide the contractor sufficient detail to accurately construct the bioretention area. The plan view will also include cross section views of the bioretention area. The bioretention plans shall include a separate planting plan sheet indicating plant layout specifying size, number, and species. This planting plan shall meet the guidance provided in the NCDENR Stormwater BMP Manual Chapter 12 on Bioretention, section 12.3.8.

19.4 Profiles

Consultant will develop a detailed profile of the bioretention area media layers, bottom slope and underdrain pipe. The profile view will indicate the underdrain pipe location in relation to the base of the bioretention area, as well as the depths of the stone layer, special soil media, and mulch layer. The profile view is imperative in providing sufficient detail to the contractor to construct the slopes and depths of the materials in the bioretention area.

19.5 Details and Specifications

Consultant will refer to previously developed bioretention details, including the Client's Typical Bioretention Section detail HS812 and the City of Raleigh GSI Standard Details GSI-1 through GSI-6.2, and generate project-specific bioretention details. The bioretention details will specify material and relative elevations to clarify changes in elevation relative to the adjacent gutter elevation. Consultant will prepare construction specifications, including but not limited to materials, installation, construction sequence and handling for the bioretention media and components.

19.6 Maintenance Plan (Review and Modifications)

Consultant will review and modify the DEQ bioretention post-construction maintenance plan for the Client to follow in maintaining the bioretention area, building upon NCDEQ resources. The intent of the maintenance plan is to provide a description of maintenance tasks and the corresponding frequency. Consultant will review similar bioretention maintenance plans and coordinate with the Client on the development of an effective and feasible maintenance plan.

19.7 NCDEQ Permits, Forms, and Checklists

Consultant will compile and complete the required supplementary permits, forms, and checklists for the bioretention BMP. The Client will be responsible for any application fees associated with the submission of these documents.

Sidewalk Design (LAPP Funded)

2. Surveys

2.1 Topographic Survey and SUE

ESP will provide topographic surveys and Quality Level B and C SUE services for an area 350' long, extending eastward from the previous survey limits on Stinson Avenue. The survey corridor will be 60' wide, approximately centered 5.5' inside the northern right-of-way in order to provide sidewalk design described below in 18. *Sidewalk Design*. See Attachment A for Scope.

2.2 Right-of-Way and Easement Plat Preparation

ESP will provide Right-of-Way and Easement Plat Preparation and Monumentation, accordance with NC GS 47-30 and Client guidelines. See Attachment A for Scope. Plat documents are to be made available after Right of Way (65%) Plans have been approved, at which time the Client will begin Right of Way acquisition.

12. Traffic Signal Plans

12.4 Pedestrian Signal Design

DAVENPORT will provide Pedestrian Signal Design. See Attachment B for Scope.

18. Sidewalk Design

18.1 Plan Control and Standards

Consultant will develop sidewalk designs to conform to NCDOT standards as dictated by Division 5 and CAMPO for Federal LAPP Funds. The sidewalk design will be incorporated into Roadway Design plan sheets and will be submitted, reviewed and revised with Roadway Design Plans as covered under 6. *Roadway Design* in the original contract. Consultant will prepare bid quantities and breakout the Engineer's opinion of probable construction cost as needed in order for the Client to facilitate a Municipal Agreement with NCDOT for reimbursement of sidewalk construction.

18.2 Sidewalk Design

Consultant will develop designs for sidewalk connections in the following areas:

- Along the west side of existing Avent Ferry Road from NC 55 Bypass to Cotton Lane. Approximately 430' of proposed sidewalk on existing berm.
- Along the east side of existing Avent Ferry Road from the proposed intersection with Avent Ferry Road Realignment to The Block development currently under construction. Approximately 750' of proposed sidewalk on existing shoulder, considering the future condition with angled on-street parking.
- Along the north side of Stinson Avenue from the proposed intersection with Avent Ferry Road Realignment and Grigsby Avenue to the Hunt Center parking lot driveway. Approximately 750' of proposed sidewalk, on a combination of proposed curb & gutter berm and existing berm. The section of proposed sidewalk on existing berm is anticipated to require the design of a block retaining wall approximately 225' long to prevent encroachment into the Hunt Center

parking lot. This scope of work does not include any geotechnical investigations or designs for any retaining walls.

Fees

The Lump Sum Fee is to be revised through this Change Order as follows:

Task No.	Description	Fee Adjustment
<u>Utility Design</u>		
2.1	Survey and SUE (for Task 9.2)	\$ 5,850.00
2.1	Survey and SUE	6,000.00
2.3	Quality Level A SUE	8,000.00
9.2	Utility Design	65,000.00
<u>Roadway Design</u>		
2.1	Survey and SUE	\$ 7,000.00
2.2	Plat Preparation	25,000.00
6	Roadway Design	3,000.00
12	Traffic Signal Plans	15,000.00
13	Geotechnical Engineering	64,850.00
19	Bioretention Design	30,000.00
<u>Sidewalk Design (LAPP Funded)</u>		
2.1	Survey and SUE (for Task 18)	\$ 6,630.00
2.2	Plat Preparation	8,182.00
12	Pedestrian Signal Plans	3,500.00
18	Sidewalk Design – LAPP Funding	18,000.00
	Contingency	14,000.00
Total Change Order #3:		\$ 280,012.00
Current Contract Lump Sum Fee:		\$ 730,752.40
Revised Contract Lump Sum Fee:		\$ 1,010,764.40

Contingency fees for tasks above are to be authorized under this Change Order, but will not be utilized until the Consultant provides a detailed explanation and will not proceed until Client has provided written authorization. Any unused portion of contingency fees will revert to the Client at the end of the project.

Sincerely,
MEAD & HUNT, Inc.



Rick DeCola, PE
Project Manager

Attachments



Phase II – Right-of-Way and Easement Plat Preparation

1. Plat and Legal Description Preparation

ESP will prepare recordable plats (in accordance with NC GS 47-30) for use in the conveyance of easements and rights-of-way necessary for the construction of the Project. Plats shall include proposed right-of-way, permanent and temporary drainage, utility and construction easements and shall be provided on 18" x 24" reproducible medium and Adobe Acrobat (.PDF) format. Preliminary plats will be provided to the Town for review prior to field monumentation and finalizing of the plats. Legal descriptions of the proposed takes will be prepared for each acquisition. ESP is assuming 7 plat sheets and 85 legal descriptions will be needed.

2. Right-of-Way and Easement Monumentation

Prior to finalizing plats and legal descriptions, ESP shall stake the proposed right-of-way and easements as required by the Standards of Practice for Land Surveying in North Carolina, set forth and published by NCBELS. The right-of-way shall be monumented by placing 18 inch lengths of #5 rebar at all breaks in the right-of-way and at intersections of the proposed right of way with existing property lines. All permanent easements, except slope easement, shall also be monumented with #5 rebar. All other easements shall be monumented with semi-permanent materials.

Assumptions

- a. Right-of-way acquisition strip plats will be done per the “**17011 Contract for Professional Services Checklist**” provided by the Town of Holly Springs.
- b. Cost estimate is based on the following quantities:
 - i. Parcels = 41
 - ii. Right-of-Way points = 97
 - Permanent Easement Points = 18
 - Temporary Easement Points = 89
 - iii. Total Points to Monument = 204
 - iv. Number of strip plats = 7(including cover)
 - v. Number of individual legal descriptions = 85

Deliverables

Plat documents are to be made available by Consultant at the 65% Plan stage at which time the Town will begin Right-of-Way acquisition.

- a. Sealed right-of-way and easement plats
- b. Legal descriptions of right-of-way and easement takes (Sealed PDF and Word format)



ATTACHMENT B – Revised Signal Design Scope of Services

August 25, 2020

In Care of:
Mr. Rick DeCola, PE
Mead & Hunt
919-714-8666

Client: Town of Holly Springs

RE: Transportation Engineering Services – Avent Ferry Road – Alignment to Stinson Avenue
(DAVENPORT Project Number 190403)

Dear Mr. DeCola:

I am pleased to submit this revised proposal for traffic signal design for the proposed Avent Ferry Road Alignment to Stinson Avenue in Holly Springs, NC. The scope of services and fees below have been updated to reflect the selected alternative for the road alignment and treatment of the intersections. The original Attachment A, dated 6/27/19, provided for Traffic Signal Design (Task 8), Metal Pole Loading Diagrams (Task 9), and Fiber Optic Interconnect Plans / Town Fiber Relocation Design (Task 10) for three signalized intersections. Per our current understanding, only one of these locations is planned to be signalized in the selected alternative. Previously authorized Tasks 1-7 and 11-12 are unchanged.

Scope of Services

Task 8 – Traffic Signal Design

DAVENPORT will prepare traffic signal design plans for permitting and construction for the following location in Holly Springs, Wake County

- NC 55 (S. Main Street) at Avent Ferry Realignment

Based on NCDOT requirements, DAVENPORT will provide sealed and signed traffic signal design plans (electronic and hard copy) for this intersection. The designs shall be to NCDOT standards and based on basemapping including survey and proposed roadway improvements design provided by Mead & Hunt. We will submit the completed plans to NCDOT and the Town of Holly Springs for review and construction approval.

Task 9 – Metal Pole Loading Diagrams and Specifications

If metal poles are requested by the Town of Holly Springs, DAVENPORT will prepare sealed and signed Metal Pole Loading Diagrams and Specifications for the signal. We will submit the completed drawings and specifications to the Town and NCDOT for review and construction approval. If desired, the plans and specifications will direct the contractor to gain approval of the aesthetic appearance of the metal poles, mast arms, and pedestrian signal pedestals from the Town of Holly Springs Engineering and Design prior to ordering poles or pedestals.

Task 10 – Fiber Optic Interconnect Plans / Town Fiber Relocation Design

If the Town of Holly Springs wants the future signals to be interconnected, then DAVENPORT will prepare sealed and signed fiber optic cable routing plans and splice details (electronic and hard copy). We will submit the completed plans to the Town of Holly Springs for review and construction approval.

Home Office:
119 Brookstown Ave. Suite PH1
Winston-Salem, NC 27101
Main: 336.744.1636; Fax: 336.458.9377

Raleigh Regional Office:
4600 Marriott Drive, Suite 350
Raleigh, NC 24404
Main: 919.324.1665

Serving the Southeast since 2002



Proposed roadway improvements may necessitate the relocation of existing Town of Holly Springs fiber optic cable(s). The Town of Holly Springs will provide information on the location of any existing fiber optic cables. DAVENPORT will coordinate with the Client on the requirements for any cable installations and discuss how to minimize network downtime during the relocations. DAVENPORT will also coordinate with the Roadway team to determine the exact impacts of any planned roadwork with existing conduit, junction boxes, splice enclosures, and terminations.

DAVENPORT will develop fiber optic cable routing plans, splice details, and project special provisions for the installation or relocation of cables in new underground conduit and junction boxes that are outside of the roadway impacts. We will submit the completed plans to NCDOT and the Town of Holly Springs for review and construction approval.

Deliverables

It is anticipated that the deliverables will include the following:

- 65% preliminary signal plan that will include the following (at minimum):
 - Base map with proposed signal pole, stop bar, and crosswalk locations
 - Phasing diagram
 - Signal head alignments
 - Detection loop placements
- 90% preliminary plan package including signal plan, electrical details, metal pole loading diagrams, signal communications plans, and specifications.
- 100% sealed plan package including signal plan, electrical details, metal pole loading diagrams, signal communications plans, and specifications.

Summary of Fees

DAVENPORT will provide transportation engineering services in accordance with the fee schedule below.

TRAFFIC SIGNAL DESIGN SERVICES		
Task 8 – Traffic Signal Design DAVENPORT Project Number 190403.230	\$12,000	Lump Sum
Task 9 – Metal Pole Loading Diagrams and Specifications DAVENPORT Project Number 190403.231	\$2,000	Lump Sum
Task 10 – Fiber Optic Interconnect Plans DAVENPORT Project Number 190403.232	\$4,500	Lump Sum
TRAFFIC SIGNAL DESIGN LUMP SUM FEES ONLY	\$18,500	
Notes: 1) These fees are valid for 90 days. 2) Refer to attached Standard Hourly Rates & Reimbursable Expenses Schedule for T&M type services.		

Additional Services

Any change in scope such as additional intersections or scenarios by the reviewing agencies will be considered additional services. Prior to beginning any additional services an addendum will be prepared for your signature. Services provided beyond the scope of this proposal will be provided in accordance with our standard hourly rates & reimbursable expenses schedule.



Closure

If you find this revised proposal acceptable, please send us the appropriate purchase order. We appreciate the opportunity to team with you on this project. Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Royal Hinshaw'.

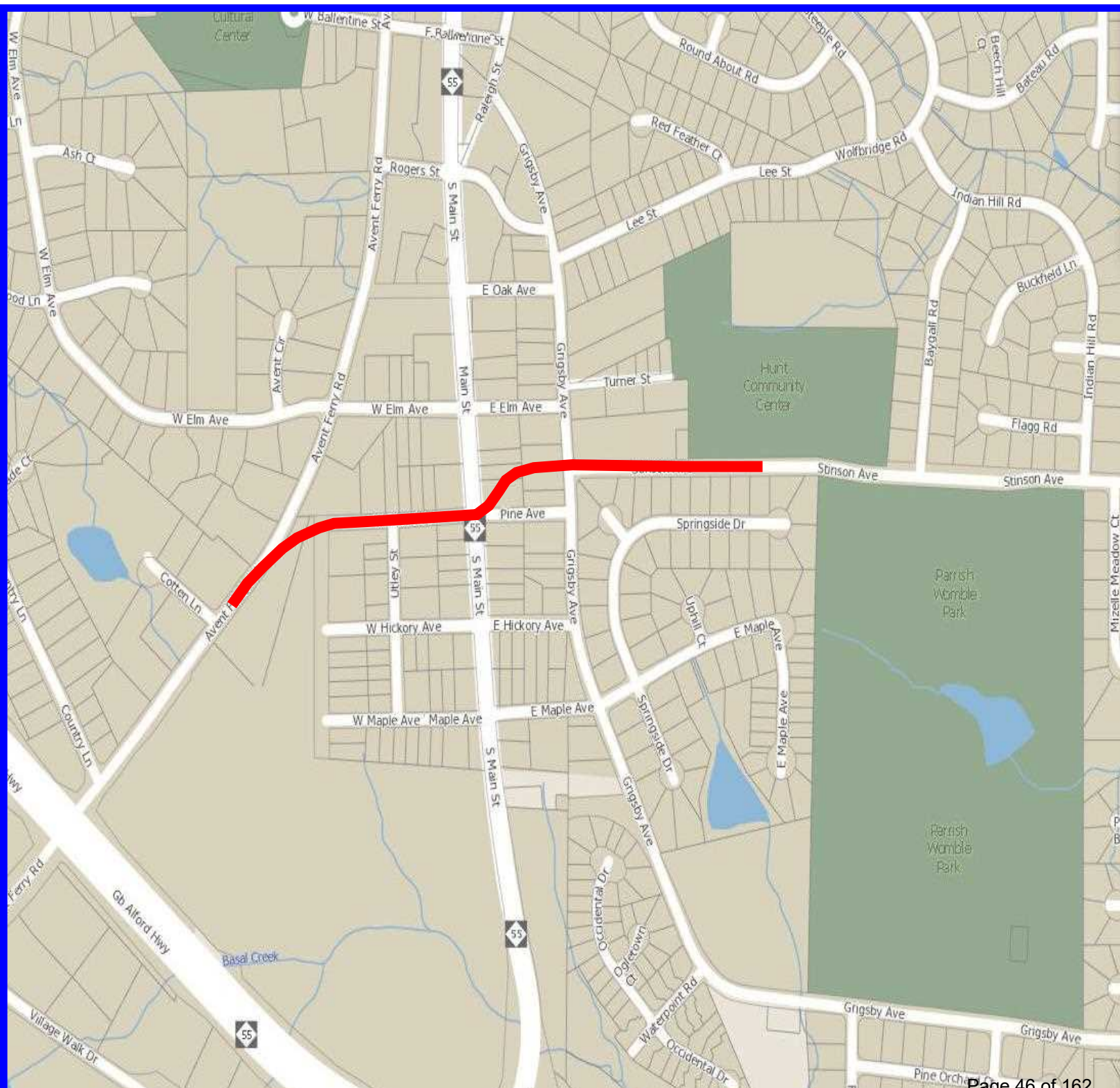
Royal Hinshaw, PE

cc: Accounting
File 190403



Avent Ferry Road Realignment

(2018 Transportation Bond Project)





Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 11.

Consent Agenda

Title: Green Oaks Parkway/New Hill Road Signal (TOHS 17-024)

Strategic Priority Area: Safe & Friendly

Responsible & Balanced Growth

Engaged, Healthy, & Active Community

Staff Resource: Tim Athy, Utilities and Infrastructure

Action(s):

- Approve total project budget of \$373,000 (including contingency and prior pre-construction expenditures), for the installation of a new galvanized metal traffic signal at Green Oaks Parkway/New Hill Road.
- Award and authorize the town manager to sign and execute the following contracts:
 - Green Oaks Parkway/New Hill Road Signal Construction Engineering & Inspections (CEI) and Contract Administration (CA) contract to DRMP in the amount of \$35,095.00.
 - Green Oaks Parkway/New Hill Road Signal Construction Contract to Fulcher Electric of Fayetteville, Inc. in the amount of \$245,234.90.
- Approve Budget Amendment transferring \$84,500.00 from Developer Fee-in-Lieu account 48-819 320.10 to project account 48-819 and transferring \$46,500 from Project account 48-819 355.22 to Street Reserves account 22.95.

Explanation:

- The Green Oaks Parkway/New Hill Road Signal Project consists of converting the existing 2-way stop controlled intersection located at Green Oaks Parkway and New Hill Road to a signal controlled intersection.
- The project will include galvanized metal signal poles & mast arms, pedestrian crosswalks with crossing signals, and TOHS fiber connectivity.
- Staff recommends awarding the contract to the lowest responsive, responsible bidder.
- Construction start is expected to begin in December of 2020 and end in Summer of 2021.

Background:

- On October 28, 2020, the Town received four (4) bids for this project and on October 29, 2020 bids were opened.
- Fulcher Electric of Fayetteville was the low-bidder with a price of \$245,234.90.
- DRMP was selected as the Construction Engineering and Inspections (CEI) and Construction Administration (CA) firm based on scope of work and fee pricing.
- This project has been previously funded \$335,000 from February 2019, which did not

include project contingency.

- To date funding for this project had come from prior developer contributions (fees-in-lieu) totaling \$183,275.51 and previously identified street reserves of \$151,724.49.
- The total cost of the project is now \$373,000 which includes \$42,500 for project contingency
 - \$48,144 in design and other pre-construction costs
 - \$2,026 in legal fees
 - \$35,095 CEI and CA
 - \$245,234.90 Construction Contract
 - \$42,500 for project contingency
- Since February 2019, an additional \$84,500 has been collected through developer fees-in-lieu for this project
 - \$84,500 will be placed in the project account.
 - \$46,500 of Street Reserves funding will be returned to the reserve fund.

Funding Source(s):

- \$114,975.17 from Street Widening Fee-in-Lieu account to the project account (Previous Council action on February 5, 2019).
- \$68,300.34 from Infrastructure Fee-in-Lieu account to the project account (Previous Council action on February 5, 2019).
- \$151,724.49 from Street Reserves to the project account (Previous Council action on February 5, 2019).
- \$84,500.00 from Developer Fee-in-Lieu account to the project account
- \$46,500.00 returned to Street Reserves account from the project account

Attachment(s):

1. Letter_of_Recommendation
2. Bid_Tabs
3. 2020-11-12 DRMP_Scope
4. 2020-11-05 17005_Budget
5. 2020-11-17 Budget_Amendment
6. Location_Map

STANDARD LETTER OF RECOMMENDATION FOR BID AWARD

October 30, 2020

Tim Athy
Town of Holly Springs
128 S. Main Street
Holly Springs, NC 27540

RE: Green Oaks Parkway/New Hill Road Signal – Recommendation for Award

Dear Mr. Athy:

On October 29, 2020, the Town took bids for the Green Oaks Parkway/New Hill Road Signal 17-024. In response to the Invitation to Bid, the Town received bids from 4 firms. The low bidder Fulcher Electric of Fayetteville, Inc., submitted a bid of \$244,454.90.

Minority Business (MB) and Women Business (WB) Enterprise Goals for the project were 0 % respectively. Fulcher Electric of Fayetteville, Inc. submitted MB participation of 0% and WB 0 %.

At the time the bids were received, Stacie Phillips checked each bid against the requirements contained in the Project Manual. The bid furnished by Fulcher Electric of Fayetteville, Inc. was determined to meet the requirements for a complete bid submittal.

Bids have also been evaluated for unbalanced bidding. This process included looking at Fulcher Electric of Fayetteville, Inc. unit prices and comparing them against the unit bid prices of the other three bidders. I found no evidence of unbalanced bidding by Fulcher Electric of Fayetteville, Inc..

The evaluations and checks performed by Kimley-Horn indicate that Fulcher Electric of Fayetteville, Inc. has provided the Town with the lowest bid for its Town project. Additionally, everything we have evaluated indicates that Fulcher Electric of Fayetteville, Inc. is a responsible bidder and that it did make a good faith effort to meet the MB and WB goals established for this project. Accordingly, it is my recommendation that the Town of Holly Springs award the Green Oaks Parkway/New Hill Road Signal project to Fulcher Electric of Fayetteville, Inc.



10/30/2020

Project Consultant Engineer Sign and Seal

CERTIFIED BID TABULATION

PROJECT: Green Oaks Parkway/New Hill Road Signal

PROJECT NO.: 17-024

DESIGN FIRM: Kimley-Horn

DESIGN ENGINEER: Stacie Phillips, PE

BID OPENING DATE AND TIME: 10/29/2020 2:00 PM

BID OPENING LOCATION: TOWN OF HOLLY SPRINGS

Description	Unit	Estimated Quantity	T&H Electrical Corporation		Fulcher Electric of Fayetteville, Inc.		ALS of North Carolina, LLC		Garrett James Company, LLC		Engineer's Estimate		Min (Unit Price)	Max (Unit Price)	Average (Unit Price)	
			Unit Bid Price	Total Cost In Place	Unit Bid Price	Total Cost In Place	Unit Bid Price	Total Cost In Place	Unit Bid Price	Total Cost In Place	Unit Bid Price	Total Cost In Place				
Pedestrian Signal Head (16", 1 section with countdown)	EA	8	\$ 800.00	\$ 6,400.00	\$ 800.00	\$ 6,400.00	\$ 1,024.83	\$ 8,198.64	\$ 850.00	\$ 6,800.00	\$ 850.00	\$ 6,800.00	800.00	1,024.83	868.71	
Signal Cable	LF	3120	\$ 1.80	\$ 5,616.00	\$ 4.50	\$ 14,040.00	\$ 2.16	\$ 6,739.20	\$ 2.00	\$ 6,240.00	\$ 4.00	\$ 12,480.00	1.80	4.50	2.62	
Vehicle Signal Head (12", 3 Section)	EA	9	\$ 800.00	\$ 7,200.00	\$ 750.00	\$ 6,750.00	\$ 1,019.78	\$ 9,178.02	\$ 880.00	\$ 7,920.00	\$ 900.00	\$ 8,100.00	750.00	1,019.78	862.45	
Vehicle Signal Head (12", 4 Section)	EA	2	\$ 1,000.00	\$ 2,000.00	\$ 910.00	\$ 1,820.00	\$ 1,158.80	\$ 2,317.60	\$ 1,100.00	\$ 2,200.00	\$ 1,100.00	\$ 2,200.00	910.00	1,158.80	1,042.20	
Vehicle Signal Head (12", 5 Section)	EA	1	\$ 1,500.00	\$ 1,500.00	\$ 1,025.00	\$ 1,025.00	\$ 1,511.50	\$ 1,511.50	\$ 1,200.00	\$ 1,200.00	\$ 1,300.00	\$ 1,300.00	1,025.00	1,511.50	1,309.13	
Tracer Wire	LF	1,950	\$ 1.15	\$ 2,242.50	\$ 1.25	\$ 2,437.50	\$ 0.90	\$ 1,755.00	\$ 1.25	\$ 2,437.50	\$ 1.25	\$ 2,437.50	0.90	1.25	1.14	
Paved Trenching (2 conduits, 2 inch)	LF	270	\$ 50.00	\$ 13,500.00	\$ 21.00	\$ 5,670.00	\$ 32.69	\$ 8,826.30	\$ 20.00	\$ 5,400.00	\$ 12.00	\$ 3,240.00	20.00	50.00	30.92	
Unpaved Trenching (2 conduits, 2 inch)	LF	2330	\$ 10.00	\$ 23,300.00	\$ 8.50	\$ 19,805.00	\$ 7.62	\$ 17,754.60	\$ 7.80	\$ 18,174.00	\$ 9.00	\$ 20,970.00	7.62	10.00	8.48	
Directional Drill (2 condits, 2 inch)	LF	395	\$ 30.00	\$ 11,850.00	\$ 24.00	\$ 9,480.00	\$ 19.06	\$ 7,528.70	\$ 22.00	\$ 8,690.00	\$ 28.00	\$ 11,060.00	19.06	30.00	23.77	
Junction Box (Standard Size)	EA	14	\$ 550.00	\$ 7,700.00	\$ 300.00	\$ 4,200.00	\$ 339.72	\$ 4,756.08	\$ 300.00	\$ 4,200.00	\$ 350.00	\$ 4,900.00	300.00	550.00	372.43	
Junction Box (Over-sized, Heavy Duty)	EA	3	\$ 800.00	\$ 2,400.00	\$ 550.00	\$ 1,650.00	\$ 604.59	\$ 1,813.77	\$ 800.00	\$ 2,400.00	\$ 550.00	\$ 1,650.00	550.00	800.00	688.65	
Inductive Loop Sawcut	LF	1210	\$ 6.00	\$ 7,260.00	\$ 5.95	\$ 7,199.50	\$ 7.97	\$ 9,643.70	\$ 7.00	\$ 8,470.00	\$ 7.00	\$ 8,470.00	5.95	7.97	6.73	
Lead-in Cable (14-2)	LF	3620	\$ 1.20	\$ 4,344.00	\$ 1.58	\$ 5,719.60	\$ 1.52	\$ 5,502.40	\$ 1.60	\$ 5,792.00	\$ 3.00	\$ 10,860.00	1.20	1.60	1.48	
Communications Cable (48 Fiber)	LF	2210	\$ 2.85	\$ 6,298.50	\$ 3.18	\$ 7,027.80	\$ 3.32	\$ 7,337.20	\$ 2.90	\$ 6,409.00	\$ 4.00	\$ 8,840.00	2.85	3.32	3.06	
Drop Cable	LF	150	\$ 2.85	\$ 427.50	\$ 2.98	\$ 447.00	\$ 3.32	\$ 498.00	\$ 3.00	\$ 450.00	\$ 3.75	\$ 562.50	2.85	3.32	3.04	
Splice Enclosure	EA	1	\$ 2,600.00	\$ 2,600.00	\$ 1,425.00	\$ 1,425.00	\$ 1,497.05	\$ 1,497.05	\$ 1,700.00	\$ 1,700.00	\$ 2,500.00	\$ 2,500.00	1,425.00	2,600.00	1,805.51	
Interconnect Center	EA	1	\$ 2,700.00	\$ 2,700.00	\$ 1,790.00	\$ 1,790.00	\$ 1,850.64	\$ 1,850.64	\$ 1,700.00	\$ 1,700.00	\$ 2,500.00	\$ 2,500.00	1,700.00	2,700.00	2,010.16	
Delineator Marker	EA	3	\$ 150.00	\$ 450.00	\$ 150.00	\$ 450.00	\$ 80.59	\$ 241.77	\$ 125.00	\$ 375.00	\$ 160.00	\$ 480.00	80.59	150.00	126.40	
Metal Pole with Single Mast Arm	EA	4	\$ 17,000.00	\$ 68,000.00	\$ 15,295.00	\$ 61,180.00	\$ 15,820.47	\$ 63,281.88	\$ 18,000.00	\$ 72,000.00	\$ 17,000.00	\$ 68,000.00	15,295.00	18,000.00	16,528.87	
Soil Test	EA	4	\$ 1,400.00	\$ 5,600.00	\$ 950.00	\$ 3,800.00	\$ 949.10	\$ 3,796.40	\$ 1,500.00	\$ 6,000.00	\$ 1,500.00	\$ 6,000.00	949.10	1,500.00	1,199.78	
Drilled Pier Foundation	CY	22	\$ 1,000.00	\$ 22,000.00	\$ 1,200.00	\$ 26,400.00	\$ 1,144.96	\$ 25,189.12	\$ 900.00	\$ 19,800.00	\$ 1,300.00	\$ 28,600.00	900.00	1,200.00	1,061.24	
Mast Arm with Metal Pole Design	EA	4	\$ 500.00	\$ 2,000.00	\$ 250.00	\$ 1,000.00	\$ 80.00	\$ 320.00	\$ 200.00	\$ 800.00	\$ 1,000.00	\$ 4,000.00	80.00	500.00	257.50	
Type I Post with Foundation	EA	5	\$ 1,200.00	\$ 6,000.00	\$ 1,400.00	\$ 7,000.00	\$ 1,202.92	\$ 6,014.60	\$ 1,700.00	\$ 8,500.00	\$ 1,500.00	\$ 7,500.00	1,200.00	1,700.00	1,375.73	
Type II Pedestal with Foundation	EA	2	\$ 1,900.00	\$ 3,800.00	\$ 2,350.00	\$ 4,700.00	\$ 2,035.53	\$ 4,071.06	\$ 2,000.00	\$ 4,000.00	\$ 2,000.00	\$ 4,000.00	1,900.00	2,350.00	2,071.38	
Signal Cabinet Foundation	EA	1	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 2,164.52	\$ 2,164.52	\$ 800.00	\$ 800.00	\$ 1,100.00	\$ 1,100.00	800.00	2,164.52	1,491.13	
Controller with Cabinet (Type 2070, Base Mounted)	EA	1	\$ 20,000.00	\$ 20,000.00	\$ 13,250.00	\$ 13,250.00	\$ 14,258.57	\$ 14,258.57	\$ 12,000.00	\$ 12,000.00	\$ 20,000.00	\$ 20,000.00	12,000.00	20,000.00	14,877.14	
Detector Card (Type 2070)	EA	10	\$ 120.00	\$ 1,200.00	\$ 115.00	\$ 1,150.00	\$ 126.13	\$ 1,261.30	\$ 100.00	\$ 1,000.00	\$ 150.00	\$ 1,500.00	100.00	126.13	115.28	
Cabinet Base Extender	EA	1	\$ 500.00	\$ 500.00	\$ 325.00	\$ 325.00	\$ 563.86	\$ 563.86	\$ 330.00	\$ 330.00	\$ 400.00	\$ 400.00	325.00	563.86	429.72	
Thermoplastic Pavement Marking Lines (4", 120 mils)	LF	100	\$ 3.00	\$ 300.00	\$ 1.78	\$ 178.00	\$ 3.95	\$ 395.00	\$ 1.60	\$ 160.00	\$ 1.50	\$ 150.00	1.60	3.95	2.58	
Thermoplastic Pavement Marking Lines (24", 120 mils)	LF	710	\$ 12.00	\$ 8,520.00	\$ 13.65	\$ 9,691.50	\$ 24.15	\$ 17,146.50	\$ 25.50	\$ 18,105.00	\$ 16.00	\$ 11,360.00	12.00	25.50	18.83	
Thermoplastic Pavement Marking Symbol (90 mils)	EA	8	\$ 300.00	\$ 2,400.00	\$ 182.00	\$ 1,456.00	\$ 241.64	\$ 1,933.12	\$ 250.00	\$ 2,000.00	\$ 300.00	\$ 2,400.00	182.00	300.00	243.41	
Ethernet Edge Switch	EA	1	\$ 3,500.00	\$ 3,500.00	\$ 2,685.00	\$ 2,685.00	\$ 1,259.57	\$ 1,259.57	\$ 4,000.00	\$ 4,000.00	\$ 1,500.00	\$ 1,500.00	1,259.57	4,000.00	2,861.14	
GPS Emergency Vehicle Preemption System	EA	1	\$ 12,000.00	\$ 12,000.00	\$ 10,383.00	\$ 10,383.00	\$ 9,452.13	\$ 9,452.13	\$ 10,000.00	\$ 10,000.00	\$ 12,000.00	\$ 12,000.00	9,452.13	12,000.00	10,458.78	
Install Street Sign on Mast Arm (Sign Provided by Others)	EA	4	\$ 500.00	\$ 2,000.00	\$ 425.00	\$ 1,700.00	\$ 376.19	\$ 1,504.76	\$ 400.00	\$ 1,600.00	\$ 500.00	\$ 2,000.00	376.19	500.00	425.30	
Install Street Sign Ground Mounted (Sign Provided by Others)	EA	4	\$ 650.00	\$ 2,600.00	\$ 375.00	\$ 1,500.00	\$ 152.64	\$ 610.56	\$ 300.00	\$ 1,200.00	\$ 500.00	\$ 2,000.00	152.64	650.00	369.41	
CALCULATED TOTAL			269,708.50				245,234.90				250,173.12		252,852.50		281,860.00	
Project Description: The installation of a metal pole with mastarm traffic signal at the intersection of New Hill Road at Green Oaks Parkway in Holly Springs, NC. I hereby certify that the bid tabulation contained herein was prepared under my direct supervision. The individual contractor Unit Bid Prices and Bid Amounts are the actual prices and amounts placed on the Form of Proposal for the bidding process. Signed, sealed, and dated this 30th Day of October by:			CONTRACTOR BID FROM OFFICIAL BID DOC	\$269,708.50	CONTRACTOR BID FROM OFFICIAL BID DOC	\$244,454.90	CONTRACTOR BID FROM OFFICIAL BID DOC	\$250,173.12	CONTRACTOR BID FROM OFFICIAL BID DOC	\$240,102.50						
			DIFFERENCE BETWEEN CALCULATED AND LISTED BID	\$0.00	DIFFERENCE BETWEEN CALCULATED AND LISTED BID	\$780.00	DIFFERENCE BETWEEN CALCULATED AND LISTED BID	\$0.00	DIFFERENCE BETWEEN CALCULATED AND LISTED BID	\$12,750.00						
			APP. LOW BIDDER ORDER	4	APP. LOW BIDDER ORDER	1	APP. LOW BIDDER ORDER	2	APP. LOW BIDDER ORDER	3						
			LICENSE NO.		LICENSE NO.		LICENSE NO.		LICENSE NO.							
			LICENSE CLASSIFICATION		LICENSE CLASSIFICATION		LICENSE CLASSIFICATION		LICENSE CLASSIFICATION							
			LICENSE STATUS		LICENSE STATUS		LICENSE STATUS		LICENSE STATUS							

PRINCIPALS

Lawrence L. Smith, Jr.
Wayne D. Chalifoux
Donaldson K. Barton, Jr.
Glenn J. Lusink
Jon S. Meadows
Mark D. Prochak
Mark E. Puckett

November 5, 2020

Attn: Tim Athy, P.E.
Town of Holly Springs
Transportation Engineer
128 South Main St.
P.O. Box 8
Holly Springs, N.C.

Subject: Construction Administration (CA) and Construction Engineering and Inspection (CEI) Services for Green Oaks Parkway/New Hill Rd. Signal

Dear Mr. Athy:

DRMP, Inc. (DRMP) is pleased to provide this Scope of Services as requested for completion of CA/CEI Services on the above referenced project. CA/CEI Services are to be provided to determine the construction of the planned improvements are completed in reasonable conformance with the contract plans and specifications. Our fee proposal to provide CA/CEI services is **\$35,095.00** as detailed in the attached Fee Proposal. This is a LUMP SUM fee.

DRMP's CEI Staff will serve as an extension of the Town of Holly Spring's staff. The Senior Inspector will make and record any measurements necessary to verify the pay quantities and record these in a pay record book. He will maintain a daily project diary that will include but not be limited to daily weather, equipment, manpower, project visitors, daily construction activities, daily directives and conversations, submittals and materials received. The Senior Inspector will review the Contractor's materials, project layout, field submittals, and pay records, traffic and erosion control to ensure compliance with the contract, plans and specifications. He will notify the Contractor of any corrective action required and/or missing documentation. Concrete sampling and testing will be provided by our subcontractor, S&ME, test results will be collected and reported to the Town of Holly Springs and the Contractor.

The Project Administrator and Project Manager will review the Senior Inspector's daily reports, review subcontract agreements, assist with reviewing Contractor's submittals. Prepare and submit submittals for NCDOT review and approval. Our staff will review, negotiate, prepare and provide recommendation to the Town regarding change orders and directives. We will manage the onsite inspection efforts, review the Contractor's application for pay, review DBE payments, conduct final inspection, provide recommendation to the Town regarding payment and prepare final estimate package. Our staff will also meet with stakeholders such as NCDOT, Town of Holly Springs, and concerned citizen to answer questions and provide up to date information regarding the project status.

With the significant and positive support of DRMP's Principals, we have the commitment to provide quality CA/CEI Services in a cost-effective manner to our clients. DRMP is excited about this opportunity to provide CA/CEI Services for the Town of Holly Springs on this signal project. If you have any further questions or need any clarification of the enclosed information, please contact me on my cell at (919) 704-6514.

Sincerely,
DRMP, Inc.

Marty C. Tillman
Field Manager

OFFICES

Asheboro, North Carolina
Boca Raton, Florida
Cary, North Carolina
Charlotte, North Carolina
Chipley, Florida
DeLand, Florida
Fort Myers, Florida
Gainesville, Florida
Jacksonville, Florida
Lakeland, Florida
Melbourne, Florida
Orlando, Florida
Panama City Beach, Florida
Pensacola, Florida
Stockbridge, Georgia
Tallahassee, Florida
Tampa, Florida
Troutman, North Carolina

1 833 811 3767
www.DRMP.com

**Fee Proposal
DRMP, Inc.**

**Project Description: Holly Springs Signal 2020
Construction Management/CEI Services
Town of Holly Springs**

	2021								Loaded Rate	Cost
	Dec	Jan	Feb	March	April	May	June	July		
Personnel Classification										
Project Administrator	4.00	4.00	4.00	4.00	4.00	5.00	5.00	4.00	34.00	\$ 120.00 \$ 4,080.00
Senior Inspector	30.00	40.00	40.00	10.00	10.00	30.00	40.00	20.00	220.00	\$ 120.00 \$ 26,400.00
Project Manager	1.00		1.00		1.00		1.00	1.00	5.00	\$ 155.00 \$ 775.00
=										\$ 31,255.00

*** Lump Sum Fee not to Exceed**



Fee Estimate
Concrete Sampling and Testing
New Hill Road at Green Oaks Parkway
Holly Springs, North Carolina
S&ME Proposal No.

General Information and Assumptions

- Based on provided information from email correspondence
- Round trip of 60 miles from Raleigh, North Carolina office
- Assume 6 trips for concrete testing / 6 trips for cylinder pick up and transport to Raleigh lab

1 Field Services	Qty	UOM	Rate	Cost
A Technician (concrete placement)	24	hours	\$55.00	\$1,320.00
A Technician (cylinder pick up and transport to Raleigh Lab)	18	hours	\$55.00	\$990.00
B Concrete Cylinders	30	cylinders	\$20.00	\$600.00
C Mileage	720	miles	\$0.75	\$540.00
Subtotal:				\$3,450.00

2 Project Management	Qty	UOM	Rate	Cost
A Project Professional	2	hour	\$140.00	\$280.00
B Administrative Support	2	hours	\$55.00	\$110.00
Subtotal:				\$390.00

Total Single-Pour Estimated Fees: \$3,840.00*

***Lump Sum Fee not to exceed**

Exhibit “B”

Conditions of Agreement with Holly Springs

I. GENERAL CONDITIONS

- A. The proposal set forth in the attached letter agreement between DRMP, Inc. (the “CONSULTANT”) and the client listed on page 1 thereto (the “CLIENT”) shall be valid for the CLIENT’S acceptance for a period of forty-five (45) calendar days from the date the CONSULTANT executes such letter agreement (the letter agreement, Exhibit “A” and this Exhibit “B” are collectively referred to as the “AGREEMENT” and the letter agreement is sometimes referred to herein as the “Scope of Services”).
- B. The AGREEMENT may be terminated at any time, without cause, by the CLIENT or the CONSULTANT upon seven (7) days prior written notice. In the event this AGREEMENT is terminated by either party or the services to be provided under the AGREEMENT by the CONSULTANT are suspended, canceled, terminated or abandoned by the CLIENT, the CONSULTANT shall be compensated by the CLIENT for all professional services provided up to the effective date of suspension, termination, cancellation or abandonment, plus all reimbursable expenses incurred by the CONSULTANT.
- C. It is understood and agreed that the CONSULTANT’S services under this AGREEMENT are limited to providing consulting services to the CLIENT and do not include participation in, supervision of, or control over the operation of any aspect of the CLIENT’S project (the “PROJECT”). Compensation payable to the CONSULTANT hereunder does not include any amount for participating in, supervising of or controlling the PROJECT.
- D. All original work product, including original documents, electronic files, tracings, field notes, calculations, etc., prepared by the CONSULTANT in connection with this AGREEMENT in whatever form, including written documents, electronic files, etc., shall be and remain the exclusive property of the CONSULTANT. The CONSULTANT assumes no responsibility or liability for any third party use of or reliance on the CONSULTANT’S findings, opinions, conclusions, recommendations, designs or other work product.
- E. In accepting and utilizing any drawings, data or other work product prepared in connection with the AGREEMENT (for purposes of this paragraph, the “Work Product”) on any form of electronic media generated and provided by the CONSULTANT, the CLIENT covenants and agrees that all such Work Product shall be and remain the exclusive property of the CONSULTANT, who shall

retain all common law, statutory law and other rights, including copyrights, therein.

The CLIENT and the CONSULTANT agree that any CADD files prepared by either party shall conform to the specifications listed in the Scope of Services. Any electronic files submitted by the CONSULTANT to the CLIENT shall be reviewed promptly by the CLIENT and the CLIENT shall notify the CONSULTANT of any defects found in such electronic files within twenty one (21) days after delivery thereof to the CLIENT. Any defects the CLIENT discovers during this period will be reported to the CONSULTANT and will be corrected as part of the Scope of Services to be performed by the CONSULTANT. However, the correction of any defects detected and reported to the CONSULTANT by the CLIENT after the above twenty one (21) day period will be considered “Additional Services” pursuant to the letter agreement, for which a separate fee will be negotiated (as set forth in the letter agreement).

The CLIENT agrees not to use any Work Product, in whole or in part, for any purpose or project other than in connection with the PROJECT. In addition, the CLIENT agrees to waive all claims against the CONSULTANT resulting in any way from any unauthorized changes or reuse of the Work Product (i) in connection with any project other than the PROJECT, or (ii) by any party other than the CONSULTANT.

In addition, the CLIENT agrees, to the fullest extent permitted by law, to indemnify and hold the CONSULTANT harmless from any damage, expense, liability or cost, including reasonable attorneys’ fees and costs of defense, arising from any changes made to the Work Product by anyone other than the CONSULTANT or from any reuse of, or unauthorized use of, such Work Product.

Under no circumstances shall transfer of the CONSULTANT’S Work Product, drawings and data on electronic media for use by the CLIENT be deemed a sale of such materials by the CONSULTANT, and the CONSULTANT makes no warranties, either express or implied, of merchantability and fitness for any particular purpose in connection with such materials.

- F. If, under this AGREEMENT, professional services are provided by the CONSULTANT during the construction phase of the PROJECT, the CLIENT acknowledges that the CONSULTANT shall not be responsible for or have control over the means, methods, techniques, sequences,

or procedures, or safety precautions and programs, with regard to the work performed on the PROJECT; nor shall the CONSULTANT be responsible for any failure: (i) of any party to carry out any work on the PROJECT in accordance with the PROJECT's contract documents or to obtain construction permits, or (ii) of the CLIENT'S Contractor (the "CONTRACTOR") to comply with applicable laws, ordinances, rules or regulations.

- G. The CONSULTANT shall be entitled to rely upon any information provided by the CLIENT or authorized representatives of the CLIENT without having to verify the accuracy of such information.
- H. To the extent set forth in the Scope of Services, the CONSULTANT shall submit all plans, permits, etc., to regulatory agencies, and shall respond to reasonable requests for additional information from such agencies. However, the CONSULTANT cannot guarantee the actions of any entity or the outcome of any process or proceeding. The CLIENT acknowledges and agrees that its obligation to pay all amounts owed pursuant to the Agreement is absolute and shall not be dependent upon matters which are not in the CONSULTANT'S control, including but not limited to financing, approvals, PROJECT success, or third party actions.
- I. Neither the CLIENT nor the CONSULTANT shall have any right to assign this AGREEMENT to any other person or entity, absent the prior written consent from the other party.
- J. In an effort to resolve any disputes, differences, claims or counterclaims that arise with respect to this AGREEMENT, the CLIENT and the CONSULTANT agree that all disputes between them arising out of or relating to the AGREEMENT shall first be submitted to non-binding mediation, unless the parties mutually agree otherwise, and shall constitute an express condition precedent in litigation. Mediation shall be conducted within sixty (60) days of the dispute first arising.

The CLIENT and the CONSULTANT further agree to use good-faith best efforts to include a mediation provision similar to the above provision in all of their agreements with independent contractors and consultants retained for the PROJECT and also to require all independent contractors and consultants also to include a similar mediation provision in all agreements with subcontractors, subconsultants, suppliers or fabricators so retained, thereby providing for mediation as the primary method for dispute resolution between the parties to those agreements.

~~In the event of any dispute, difference, claim or counterclaim between the CONSULTANT and the CLIENT arising out of or in connection with this AGREEMENT, which is not resolved by the parties through mediation, any such matter shall be submitted to the Circuit court in and for Orange County, Florida, for trial and determination by the court sitting without jury.~~

~~The parties hereby consent to the jurisdiction of such court, to exclusive venue in Orange County, Florida, and to the service of process outside the State of Florida (if applicable) pursuant to the requirements of such court in any matter so to be submitted to it, and they expressly waive the right to a jury trial. The prevailing party in any such litigation shall be entitled to the reimbursement of reasonable attorneys' fees and taxable costs, including expert witness fees and costs.~~

- K. In the event that the CLIENT is not the record owner of the property covered by this AGREEMENT, the CONSULTANT may consider the CLIENT'S signature on the Agreement as evidence that the CLIENT has the property owner's permission and consent to enter into this AGREEMENT, and to be a party hereto. It shall be the CLIENT'S responsibility to inform the CONSULTANT of any change in ownership or change in any other circumstances that may affect the CONSULTANT'S ability to place a construction lien on such property if payment is not received by the CONSULTANT according to the terms of this AGREEMENT. The CLIENT hereby acknowledges and agrees that the CONSULTANT'S services are professional services that shall be performed in the practice of CONSULTANT'S profession in connection with the specific parcel or parcels of real property referred to in this AGREEMENT and that CONSULTANT shall be entitled to a lien upon such real property for the money owing to CONSULTANT for such services ~~pursuant to Section 713.03, Florida Statutes, or otherwise pursuant to law or equity.~~
- L. ~~This AGREEMENT shall be governed by the laws of the State of Florida.~~
- M. Regarding the subject matter hereof, this AGREEMENT contains the entire agreement of the parties and their representatives and agents, and supersedes all prior understandings, whether oral or written. The CLIENT agrees that this Agreement shall govern and supersede any form agreements delivered by the CONSULTANT and/or the CLIENT, such as client purchase orders or work orders, and that such forms may be issued by the CLIENT as a matter of convenience without altering any of the terms or conditions of this Agreement, unless such form has been signed on behalf of both the CLIENT and the CONSULTANT by an authorized representative.
- N. In recognition of the relative risks and benefits of this Agreement to both the CLIENT and the CONSULTANT, the CLIENT agrees, to the fullest extent permitted by law, to limit the liability of the CONSULTANT and its subconsultants to the CLIENT and to all construction contractors and subcontractors on the PROJECT for any and all claims, losses, costs, and damages of any nature whatsoever or claimed expenses from any cause or causes (collectively "CLAIMS"), so that the total aggregate liability of the CONSULTANT and its subconsultants to all those named above shall not exceed the total fee received by CONSULTANT

hereunder for services rendered pursuant to this Agreement. This paragraph shall apply to CLAIMS including, but not limited to claims based on negligence, professional errors or omissions, strict liability, or other tort claims, and breach of contractor warranty.

In the event the CLIENT does not wish to limit the CONSULTANT'S professional liability as set forth in the paragraph above, the CONSULTANT agrees to increase the limitation on CONSULTANT'S aggregate liability for all claims to a maximum of \$1 million, but only upon receiving the CLIENT'S written request within ten (10) days after the date hereof and the payment by CLIENT of additional consideration of five percent (5%) of the CONSULTANT'S total fee pursuant to this Agreement or \$300.00, whichever is greater.

Notwithstanding anything to the contrary herein, in no event shall the CONSULTANT be liable to the CLIENT under this AGREEMENT or for services provided hereunder, under any claim or theory (including breach of contract or tort), for consequential, incidental, or punitive damages, including lost profits or loss of business, even if such damages were reasonably foreseeable.

- O. The CLIENT acknowledges that the CONSULTANT cannot control the cost of construction labor and materials or competitive bidding, and that market conditions fluctuate, and therefore the estimates of construction costs provided by the CONSULTANT will be made on the basis of the CONSULTANT'S experience and qualifications. As a result, the CONSULTANT does not guarantee the accuracy of any such estimates.
- P. All provisions of this AGREEMENT relating to indemnity or allocation of responsibility or liability between the CLIENT and the CONSULTANT shall survive the completion of the services to be performed hereunder and the termination of this AGREEMENT.
- Q. In the event that any provision of this AGREEMENT is found to be unenforceable under applicable law, the remaining provision(s) shall continue in full force and effect.
- R. In providing services under this AGREEMENT, the CONSULTANT is acting as an independent contractor and not as an agent or employee of the CLIENT.
- S. In the event that the CONSULTANT is obstructed or delayed in the prosecution or completion of its services under this AGREEMENT as a result of causes beyond the control of the CONSULTANT, including, but not restricted to, acts of God or of public enemy, acts of terrorism, acts of government or of the CLIENT, the property owner or any other person or entity, fires, floods, epidemics, quarantine regulations, strikes or lock-outs, then any milestones contained on any PROJECT schedule

shall be extended by the length of such delay, plus any additional time required by the scheduling demands of any third party whose performance was rescheduled as a result of such delay.

- T. The CLIENT acknowledges that PROJECT schedules, if any, are provided by the CONSULTANT for informational and planning purposes only, and are subject to change as the PROJECT progresses. The CONSULTANT does not guarantee any time frames.
- U. The CLIENT acknowledges that the CONSULTANT does not guarantee the success, as measured by the CLIENT, of the services of the CONSULTANT described herein. The CONSULTANT'S obligation hereunder is limited to using commercially reasonable efforts to perform the stated services. The CONSULTANT shall have no responsibility for outcomes or results dependent in whole or in part on decisions or actions of the CLIENT or third parties.

II. COMPENSATION TERMS

- A. Amounts due to the CONSULTANT under this Agreement shall be payable within thirty (30) days of CLIENT'S receipt of an invoice therefore. If full payment of an invoice is not received within sixty (60) days commencing on the date of the invoice, then CONSULTANT may, at its exclusive option, (i) charge CLIENT and, in such case, CLIENT shall pay, a service charge equal to one and one-half percent (1.5%) per month of the unpaid balance, which charge shall accrue from the date of the invoice until such balance is paid in full; (ii) the CONSULTANT may, without waiving any other claim or right against the CLIENT, suspend services under this AGREEMENT until the CONSULTANT has been paid in full all amounts due CONSULTANT and/or any of its subconsultants and subcontractors; or (iii) the CONSULTANT may, without waiver of any other claim or right against the CLIENT, upon seven (7) days written notice, terminate this Agreement. Furthermore, the CLIENT agrees that the CONSULTANT shall not be held liable for any damages sustained by the CLIENT or others due to such suspension of services or termination of this Agreement. Suspension of services or termination of this Agreement shall not excuse CLIENT from its obligation to pay CONSULTANT all fees and expenses earned or incurred as of the date of suspension or termination, including interest charges at 1.5% per month.
- B. Fees set forth in this Agreement are for professional services only. Out-of-pocket expenses (such as reproduction, overnight mail, travel, meals, etc.) will be considered a direct reimbursable expense, and invoiced in addition to the fees indicated herein. These expenses will be invoiced as incurred, and may include, at CONSULTANT'S exclusive discretion, a handling charge markup of not to exceed ten percent (10%).
- C. Services to be billed hourly that are subject to a cap (as specifically identified in the Scope of Services) and time

and materials tasks will be billed on an hourly basis as incurred monthly. Hourly rates utilized in the billing (for hourly and additional services) are set forth in Exhibit "A" (if applicable).

- D. Invoices shall be prepared monthly for Lump Sum Fee items (as set forth in the Scope of Services) based on the percent of work complete and costs incurred by the CONSULTANT.
- E. The CLIENT acknowledges that the proposal set forth in the letter agreement specifies a number of meetings or a specific meeting budget. All additional meetings, as requested by the CLIENT, will be invoiced pursuant to the CONSULTANT'S applicable hourly rates.
- F. All hourly rates and fees quoted in this AGREEMENT shall be effective for a period of twelve (12) months after the CLIENT'S execution of this AGREEMENT, after which time they may be revised by the CONSULTANT upon written notice to the CLIENT.
- G. This AGREEMENT shall become effective upon the CONSULTANT'S receipt from the CLIENT of a signed AGREEMENT and, if requested, a retainer. All retainer amounts will be applied to the CLIENT'S last invoice. A RETAINER OF \$____.00 IS REQUIRED BEFORE THE CONSULTANT WILL COMMENCE ANY SERVICES UNDER THE AGREEMENT.
- H. Subconsultant or subcontractor fees/expenses invoiced through the CONSULTANT may, at CONSULTANT'S exclusive discretion, include a handling and coordination markup. This markup will be no more than five percent (5%) for amounts greater than \$50,000.00; ten percent (10%) for amounts between \$20,000.00 and \$50,000.00; and fifteen percent (15%) for amounts less than \$20,000.00.
- I. It is understood that the CONSULTANT'S services to be provided under this AGREEMENT do not include any participation whatsoever in any litigation or negotiations. If at any time the CONSULTANT is requested to participate in litigation or negotiations, or to act as an expert witness, whether by the CLIENT or on its behalf, and the CONSULTANT agrees to do so, the CONSULTANT shall be paid by the CLIENT in advance if requested by CONSULTANT at the applicable hourly rate for the CONSULTANT'S time in preparation of and/or during testimony at a hearing, arbitration, or other

official proceeding. In addition, the CLIENT shall pay all reasonable expenses of the CONSULTANT incurred in connection therewith. The amount due and payable to the CONSULTANT under this paragraph shall not be reduced for any reason including, but not limited to, settlement of the matter based on a pro-rata share of the monies in questions.

III. CLIENT RESPONSIBILITIES

- A. The CLIENT shall provide to the CONSULTANT all available and applicable information that is related to the site and to the PROJECT that is in the CLIENT'S possession, or that may come into the CLIENT'S possession or knowledge including, but not limited to:
 - Survey(s) (Boundary, Topo, etc.)
 - Legal Description & Title Information
 - Utilities Data/Plans
 - Environmental Studies/Data
 - Geotechnical Studies/Data
 - Previous Site consulting Plans/Studies
 - Previous Site Planning Sketches or Studies
 - Other Applicable Data/Information
 - Previously Prepared, Submitted or Approved Permits
 - Previously Prepared Development-Const. Cost Est.
 - Aerial Photography, if available
 - Reasonably suspected information or leads
- B. The CLIENT shall be responsible for the payment of all fees to government and review agencies.
- C. The CLIENT shall indemnify and hold the CONSULTANT harmless for any losses or damages caused by the negligent acts of the CLIENT, its employees or agents.
- D. The CLIENT grants to the CONSULTANT right of entry to the PROJECT site by the CONSULTANT, its employees, agents, and subcontractors in order to perform the CONSULTANT'S services under this AGREEMENT. If the CLIENT does not own the PROJECT site, the CLIENT warrants and represents to the CONSULTANT that the CLIENT has the authority and permission of the owner of the PROJECT site and occupant of the PROJECT site (if applicable) to grant this right of entry to the CONSULTANT.

IV. The following information is necessary for the CONSULTANT to set its files up correctly. Please fill out and return at your earliest convenience.

1. PROJECT Name for Invoicing:

2. Mailing Address:

Phone No.: () _____
Fax No.: () _____
E-Mail: _____

3. Invoices should be sent to the attention of: _____

4. Date invoices must be received by CLIENT: _____

5. Special invoice format required: _____ Yes _____ No (If yes, please forward to CONSULTANT)

6. Person(s) authorized to bind CLIENT contractually:

7. Are purchase orders required: _ Yes _____ No

8. Name and contact address/phone number under which title of property is held:

9. Name/Entity of applicant for PROJECT permit applications (title, address, phone number):

10. Person to sign permit applications (title, address, phone number):



**ENGINEERING DEPARTMENT
CONTRACT FOR PROFESSIONAL SERVICES
CHECKLIST**

The following items are required on ALL CONTRACTS that are being submitted to the TOHS. Contracts shall be submitted with this form attached to the contract. Make sure all of the following are included in the contract prior to submission.

GENERAL

- ☐ Company name that is submitting the Contract, indicating what type of business entity (sole proprietor, partnership, corporation, LLC)
- ☐ Primary contact person (name, address, and phone number) and primary responsible person
- ☐ E-Verify Affidavit form signed and return to Town with Contract during review
- ☐ The Scope of the Contract. A detailed written scope shall be included within the contract documents that is in full agreement with the work expected to be completed.
- ☐ Complete description of where the work is to be performed and an exhibit map included
- ☐ Statement that specifies that when work is complete, Town will have ownership of all work products.
- ☐ Schedule must be included in the initial contract that specifies all major milestones and expected delivery dates from start to finish of the scoped work. This schedule will be updated and submitted with each monthly invoice and shall also include permit status, possible design issues or any other concerns.
- ☐ A statement that the TOHS will have an opportunity to review and/or inspect the deliverables prior to final. Deliverables for engineering work shall be in the form of mylar and paper copy, as well as electronic (CAD) format, or as otherwise specified.
- ☐ Statement or specify the extent and manner of liability.
- ☐ Statement or specify in the contract whether the contract will be paid:
 - ☐ Hourly with no maximum stated – if so, include the total estimated number of hours and provide a schedule of values
 - ☐ Hourly with an amount stated as as a Not to Exceed – include a schedule of values to include standard hourly rates and administrative expenses, of any) for unforeseen additional issues, may need a schedule of values as well
 - ☐ Fixed or Flat fee amount. Contractor is warranting that the work will be completed for an amount regardless of any other costs incurred by the contractor or owner or other.
- ☐ Statement in the contract which payment option:
 - ☐ Monthly, if so by what date is the invoice to be paid by (allow 30 days)? _____
 - ☐ Upon completion
 - ☐ Breakdown percentages upon which payment would be due:
 - _____ 25%
 - _____ 50%
 - _____ 75%
 - _____ 100%
- ☐ If applicable and desired by town as part of scope, include grant/loan management scope and attach the grant or agreement that is to be followed
- ☐ Statement that all invoices must be submitted with a detailed description of hours and each invoice shall contain the statement below:

I hereby certify that these hours spent are true and accurate.

Name

Date

- ☐ Statement that all invoices submitted under the contract will contain:
 - ☐ Town's project Number
- ☐ Statement that consultant is to assist any necessary audit processes through the Holly Springs Finance Department if necessary; note that when a \$100,000 or greater grant or loan is involved, a more in-depth audit process will be required.
- ☐ Statement that all mileage, copying, courier delivery, meals, postage and other miscellaneous expenditures must be included in the total amount of the approved contract.



**ENGINEERING DEPARTMENT
CONTRACT FOR PROFESSIONAL SERVICES
CHECKLIST**

The following items are required on ALL CONTRACTS that are being submitted to the TOHS. Contracts shall be submitted with this form attached to the contract. Make sure all of the following are included in the contract prior to submission.

- ☐ Any research, references
- ☐ Include meetings, TC Mtgs, Pre-Bid Mtg
- ☐ Prepare Contract Docs with base HS Docs
- ☐ Evaluate cost comparisons/alternates
- ☐ Prepare Engineers opinion of cost with each submittal
- ☐ Schedule update monthly or when milestone changes.

Survey/ Plat Work

- ☐ Plats should be in conformance with NCGS 47-30 and be suitable for recording.
- ☐ Easement plats will be submitted for typical plat review according to the Town of Holly Springs Engineering Department practices as part of the approval process
- ☐ If a plat is for additional R/W for a road-widening project and a parcel is deeded to the center of the road then the legal description for the R/W will run to the center of the roadway and a total and net area should be shown.
- ☐ Each parcel should have the following information:
 - ☐ Owner's name
 - ☐ Address, of record
 - ☐ PIN
 - ☐ Deed book and page of reference for the parcel
- ☐ Easement table should include the following information:
 - ☐ Type of easement and area of easement to nearest sq. ft.
 - ☐ If applicable, show area of easement within R/W easement and net of R/W easement
 - ☐ Easement table should be included on the sheet with the corresponding parcel, not in a table on a separate Plat
 - ☐ Easement table and line table (if applicable) should be included on the sheet with the corresponding parcel, not in a table on a separate plat.
- ☐ Field-located property corners (typically existing iron pipes – EIPs) should be clearly shown and identified and a clear distinction made between EIPs and computed corners.
- ☐ Location of driveways and building corners shall be shown even if they are outside the stated corridor
- ☐ Separate line types should be used for different easement types
- ☐ Digital legal descriptions will be provided for the Town's use in MS word or other approved word processing format
- ☐ Structures including wells, septic tanks, outbuildings, etc. within 50 feet of any proposed easement or R/W shall be field located and shown on the plats

CONTRACTS FOR UTILITY RELOCATION MUST INCLUDE:

- ☐ Timeframe for relocation (Either date or arbitrary weeks from NTP)
- ☐ Schematic of the location of the existing facilities
- ☐ Schematic of the location of the proposed facilities

CONSTRUCTION ADMINISTRATION (Note: this section to be customized)

- ☐ Prepare all Work Change Directives and Change Orders
- ☐ Prepare inspection reports/daily inspection diaries
- ☐ Host and schedule biweekly meetings at Town Hall with the contractor and town staff
- ☐ Respond to all RFI
- ☐ Review Submittals
- ☐ Perform daily erosion control field reviews and notify contractor of any necessary corrective action
- ☐ Get copies of and review bypass pumping diaries. Compile diaries at conclusion of project and deliver to town staff

ESTIMATED PROJECT BUDGET (TOHS FORM 17005)							
PROJECT NAME: PREPARED BY: PROJECT #: DATE: PROJECT STATUS (Circle One):	GREEN OAKS PARKWAY/NEW HILL ROAD SIGNAL						PREVIOUS TOWN COUNCIL BUDGET APPROVAL DATES:
	TBA						
	17-024						
	11/5/2020						
	Conceptual	Design	Bid Award	Construction	Post Construction		
	CONSULTANT	COST	CONTINGENCY	TOTAL	FUNDING SOURCE	FUNDED / NOT FUNDED	COMMENTS / NOTES
TECHNICAL AND PROFESSIONAL SERVICES							
Engineering (Traffic Signal Warrant Analysis)	Kimley Horn	\$ 3,500.00		\$ 3,500.00	Utility Fund Operating Budget (10 432 12.01)	Funded	
Engineering (Design)	Kimley Horn	\$ 16,500.00		\$ 16,500.00	Street Widening FIL (22.323.13)	Funded	
	Kimley Horn	\$ 344.00		\$ 344.00	Developer FIL (48 819 320.10)	Funded	
Engineering (Amendment #1)	Kimley Horn	\$ 7,800.00		\$ 7,800.00	Street Widening FIL (22.323.13)	Funded	
Engineering (Fiber Design)	Kimley Horn	\$ 4,000.00		\$ 4,000.00	Utility Fund Operating Budget (10 432 12.01)	Funded	
Engineering (Plats)	Kimley Horn	\$ 6,500.00		\$ 6,500.00	Utility Fund Operating Budget (10 432 12.01)	Funded	
Engineering (Bid Services)	Kimley Horn	\$ 4,000.00		\$ 4,000.00	Utility Fund Operating Budget (10 432 12.01)	Funded	
NCDOT (Signal Agreement)	NCDOT	\$5,000.00		\$5,000.00	Street Widening FIL (22.323.13)	Funded	
Engineering (Survey)	BNK	\$ 500.00		\$ 500.00	Street Widening FIL (22.323.13)	Funded	
				\$ -			
				\$ -			
				\$ -			
SUB TOTAL				\$ 48,144.00			
LEGAL, ADMINISTRATION, & PROPERTY ACQUISITION							
Legal (Recordation)		\$ 26.00		\$ 26.00	Street Widening FIL (22.323.13)	Funded	Conceptual Estimate
ROW Acquisition		\$ 2,000.00		\$ 2,000.00	Street Widening FIL (22.323.13)	Funded	Conceptual Estimate
SUB TOTAL				\$ 2,026.00			
CONSTRUCTION, CA, M&T, UTILITY RELOCATION							
Construction		\$ 65,149.20	\$ 28,660.00	\$ 93,809.20	Street Widening FIL (22.323.13)	Funded	Conceptual Estimate
		\$ 68,300.34		\$ 68,300.34	Infrastructure FIL (22.323.15)	Funded	
		\$ 105,225.00		\$ 105,225.00	Street Reserves 22.95	Funded	
		\$ 8,586.46	\$ 6,549.75	\$ 15,136.21	Developer FIL (48 819 320.10)	Funded	
Construction Administration and Observation		\$ 31,255.00	\$ 4,688.25	\$ 35,943.25	Developer FIL (48 819 320.10)	Funded	Conceptual Estimate
Materials and Testing		\$ 3,840.00	\$ 576.00	\$ 4,416.00	Developer FIL (48 819 320.10)	Funded	Conceptual Estimate
				\$ -		Funded	Conceptual Estimate
				\$ -		Funded	Conceptual Estimate
SUB TOTAL				\$ 322,830.00			
PROJECT GRAND TOTAL (PRIOR TO REVENUES)				\$ 373,000.00			
FUNDING SOURCES							
P&R Reserves 21.95			#REF!				
Street Reserves 22.95			\$	105,225.00			
Water Reserves 23.95			#REF!				
Sewer Reserves 24.95			\$	40,359.25			
Stormwater Reserves 27.95			\$	18,000.00			
Street Widening FIL (22.323.13)			\$	125,635.20			
Infrastructure FIL (22.323.15)			\$	68,300.34			
TOTAL FUNDING REQUIRED (PRIOR TO REVENUE)				#REF!	#REF!		
Previously Funded			#REF!		#REF!		
Remaining To Be Funded			#REF!		#REF!		
REVENUES							
				\$ 373,000.00			
PROJECT DEFICIT (AFTER REVENUES)				\$ -			
Notes: 1. This estimate is preliminary and is subject to change. 2. Highlighted cells are estimates; actual costs to be determined at a later date. 3. Utility relocation costs unknown at this time.							

Town of Holly Springs Budget Amendment Request

BE IT ORDAINED by the Town Council of the Town of Holly Springs, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2021.

Department: Utilities & Infrastructure Services **Date:** 12/1/2020

Reason for Budget Amendment:

Increase Green Oaks Parkway/New Hill Signal project budget to utilize fee in lieu payments.

Expense			
Account #	Account Description	Increase	Decrease
48-819 12.01	Project - Professional Fees	\$ 13,144	
48-819 12.05	Project - Contract Services		\$ 17,644
48-819 82.97	Project Contingency	\$ 42,500	
Total Expense:		\$ 55,644	\$ 17,644

Revenue			
Account #	Account Description	Increase	Decrease
48 320.10	Developer Fees	\$ 84,500	
48 355.22	Transfer from Street Reserves		\$ 46,500
Total Revenue:		\$ 84,500	\$ 46,500

Department Head Signature (or electronic submission)

Finance Director Signature (if necessary)

Town Manager Signature (if necessary)

Council Approved/Notified (if necessary)

Town Manager is authorized to transfer within a department without prior approval of Town Council.

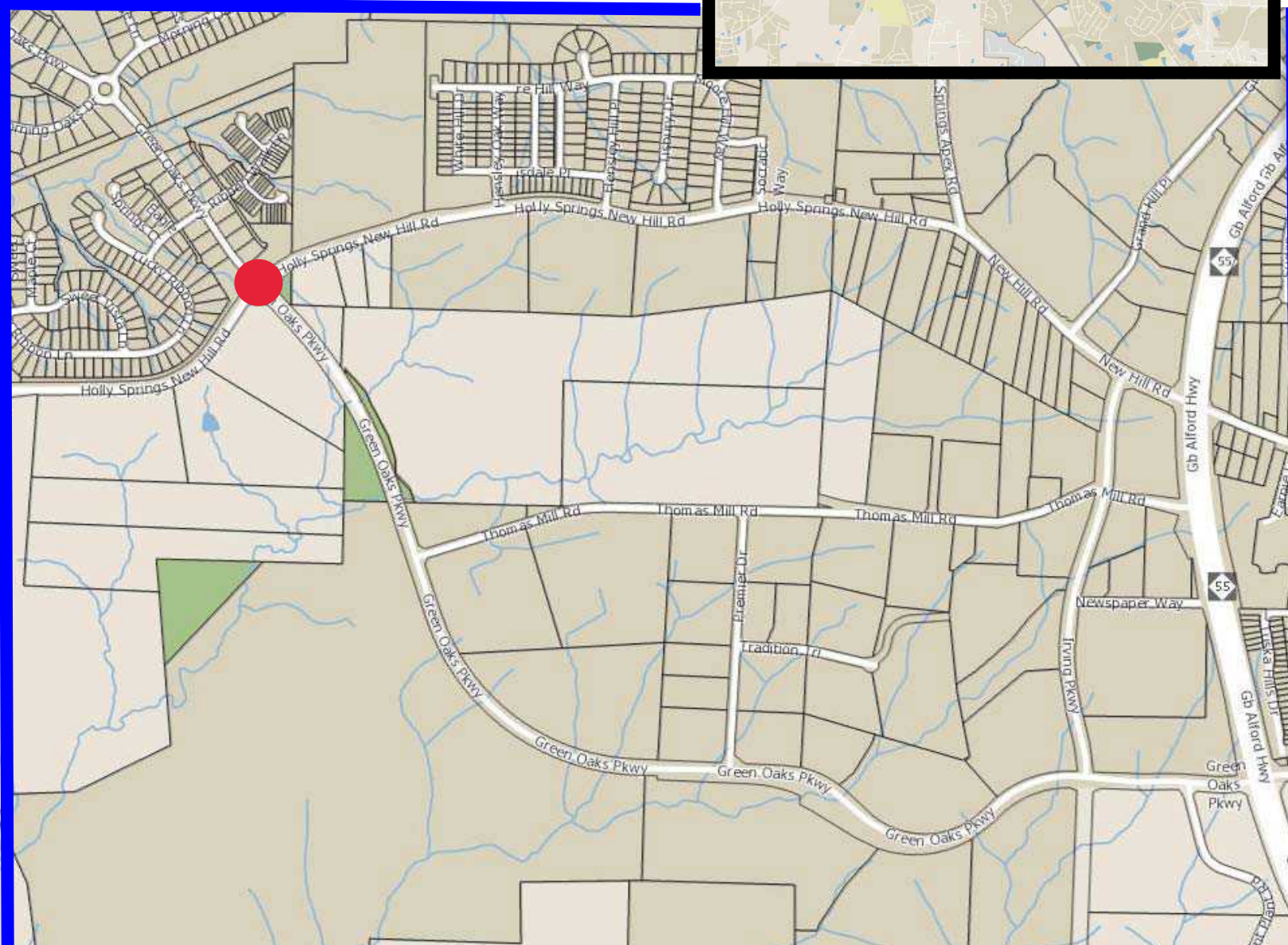
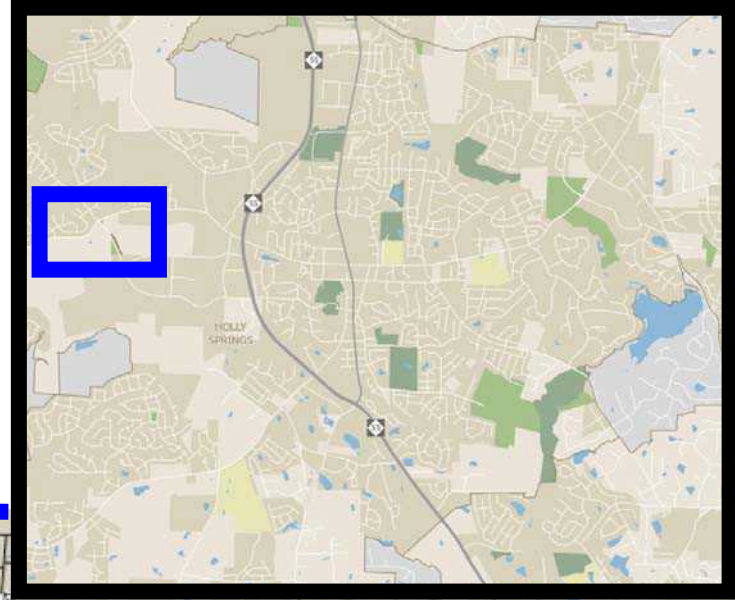
Town Manager is authorized to approve transfers between departments within the same fund up to \$50,000.

All inter-departmental transfers will be reported to Town Council by the following month.

Amendments that change the total budget or departmental transfers over \$50,000 require Town Council approval.

Green Oaks Parkway/New Hill Road Signal

LOCATION MAP





Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 12.

Consent Agenda

Title: The Block on Main Master Sign Plan 17-DP-15-A03

Strategic Priority Area: Responsible & Balanced Growth

Staff Resource: Beth Trautz, Development Services

Action(s):

Approve Master Sign Plan for The Block on Main.

Explanation:

- Master Sign Plans are recommended for integrated centers.
- Master Sign Plans allows a developer to create a sign plan than enhances the appearance of the building and help navigate customers to their business.
- Per a unique condition of approval of the development plan, a request is being made from Town Council to review and consider approval of the Master Sign Plan by consent, as the Master Sign Plan meets the requirements of the Unified Development Ordinance (UDO).

Background:

- Master Sign Plans are approvable by the Director unless the plan includes waivers.
- When the Development Plan for The Block was approved, one of the conditions of approval called for the submittal of a Master Sign Plan to Planning for Review and Town Council for approval.
- This Master Sign Plan does not contain waivers and all signage meets the requirements of the UDO and is being presented to Council to meet the condition of approval of the development plan.

Funding Source(s):

N/A

Attachment(s):

1. the_block_master_sign_plan__final

THE BLOCK



300 S. Main Street - Holly Springs, NC 27540

Master Sign Plan

**Submitted:
November 6, 2020**

Tenants of The Block will contact:

**Chris Harol
The Block**
300 South Main St
Holly Springs, NC 27540
(919) 948-6140

ASI Signage, North Carolina
600 Irving Parkway
Holly Springs, NC 27540
(919) 362-9669

THE BLOCK - MASTER SIGN PLAN

The purpose of this Master Sign Plan is to maintain an aesthetically pleasing environment while still allowing tenants to make an attractive statement with their business signage. All signage within The Block is subject to the guidelines herein, as well as Holly Springs Zoning Ordinance: Section 7.03: Sign Regulations.

EXTERIOR TENANT WALL SIGNAGE

- All signage must have prior Landlord approval and approved permits from the Town of Holly Springs.
- Raceway mounted signs are not permitted.
- Face lit Signs and Thermoformed Signs are not permitted.

Lower Level Tenants

Requirements:

Elevations: North, South, East and West elevations; all signage to be located above the tenant spaces with landlord approval.

Styles: There are 3 basic styles of lower level tenant signage. All retail tenants can have hanging signage and may also choose between wall signage or projecting signage.

- Wall Signage: mounted flat to the exterior wall (either direct mounted or mounted to a backer panel).
- Projecting Signage: mounted with brackets and projecting off the exterior wall.
- Hanging Signage: mounted to the canopy/awning over a tenant's frontage.

Lighting: All North, East, and West Elevations wall signage must be electric and comply with the following:

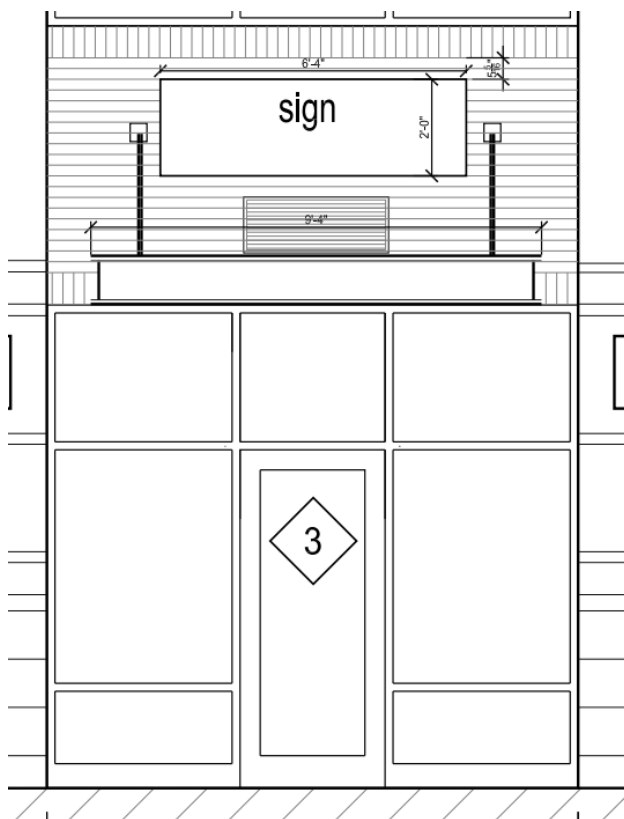
- Halo-lit letters/logo
- Colored LEDs are permitted.
- Trademarked logos are allowed with Landlord approval and restrictions on size listed herein.

Continued on Next Page

THE BLOCK - MASTER SIGN PLAN

Sizes:

- For the North, East, and West Elevations - Lower level tenants signs must not exceed 5% of the square footage of their lower level frontage (calculated as the width of their frontage x 18 ft height) nor exceed Holly Springs UDO sign limitations. Per the depiction below all wall signage must fit within a 6'4" by 2' rectangle:



- For the South Elevation - Lower level tenants signs must not exceed 3% of the square footage of their lower level frontage (calculated as the width of their frontage x 18 ft height) nor exceed Holly Springs UDO sign limitations as per the following:

Font: Tenants are encouraged to use their own font style:

- All fonts are subject to Landlord approval.
- Tenant's chosen fonts must be able to be fabricated into halo-lit letters.

Wall Signage: Ground floor tenants must have signage directly mounted to the wall and meet the following conditions:

- No tenant signage may cover building architecture elements or features.

THE BLOCK - MASTER SIGN PLAN

- Copy Area: Encompassed in a 24" high x 76" wide "rectangle"
- Letter Height: Maximum of 24" high and minimum of 6" high.

Projecting or Hanging Signage: First floor tenants may choose to have a pedestrian oriented projecting sign in addition to wall signage subject to the following conditions:

- Projecting signage not to exceed 10 sq. ft. with a minimum height and width of 2'.
- 8' minimum clearance required from grade to bottom of sign.
- 4' maximum projection from building.
- Signs may be mounted to the building canopies/awnings with approval of the landlord as long as there is 8' minimum clearance required from grade to bottom of sign
 - The location and height of the projecting signage will be predetermined by the original construction.
 - Changes of location and height are strictly prohibited.
 - Property Owner will provide various options for mounting brackets for tenants to choose from.
 - If tenant chooses not to have a projecting sign, a pre-determined light fixture will mount in place of the sign.
 - No additional light fixtures will be allowed.
 - Electrical wiring will already be at the sign location; final connection of illuminated signage will be the responsibility of the tenant's electrician and/or sign contractor.
 - All signs will be aluminum or stainless steel with routed copy.
 - All signs must be maintained and in good repair.
- **Suspended Signage:** First floor tenants may also choose to have a pedestrian oriented suspended signage in addition to wall signage subject to the following conditions:
 - Projecting signage not to exceed 2 sq. ft. with a height of 1' and width of 2'.
 - Suspended signage may only have the name of the business on it.
 - 8' minimum clearance required from grade to bottom of sign.
 - 4' maximum projection from building.
 - Signs may be mounted to the building canopies/awnings with approval of the landlord as long as there is 8' minimum clearance required from grade to bottom of sign

Upper Level Tenants

All Upper Level signage requests must be approved by the Landlord**

****Tenants occupying 3000+ square feet on the upper level may be allowed exterior wall signage at the discretion of the Landlord and only in locations specified by the MSP.**

THE BLOCK - MASTER SIGN PLAN

TENANT SIGNAGE DEMONSTRATIONS

Wall Signage



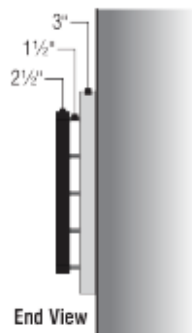
Reverse-Channel Halo Lighted Letters constructed of aluminum (2" deep). Halo illumination via LEDs, 120 Volts. All wiring UL approved. Letters mounted to aluminum sign pan (2 1/2" deep) via 1 1/2" stand-off spacers with non-corrosive fasteners.

Backplate/Sign Cloud: Aluminum sign pan (2 1/2" deep) with satin clear coat

Letter Color: All colors subject to Landlord approval. Colors must include PMS and Paint Codes to be considered.

Halo Illumination: LED lighting can include colors subject to Landlord approval.

NO SUBSTITUTIONS WILL BE ALLOWED



THE BLOCK - MASTER SIGN PLAN

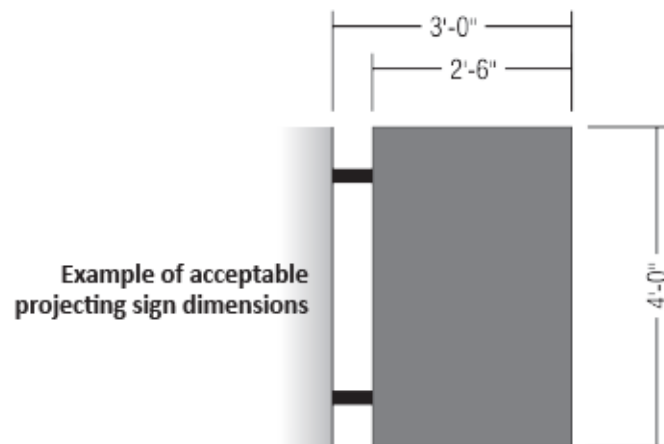
EXAMPLES OF PERMITTED WALL SIGNAGE



THE BLOCK - MASTER SIGN PLAN

PROJECTING or HANGING SIGNAGE

Example of acceptable projecting sign dimensions



THE BLOCK - MASTER SIGN PLAN

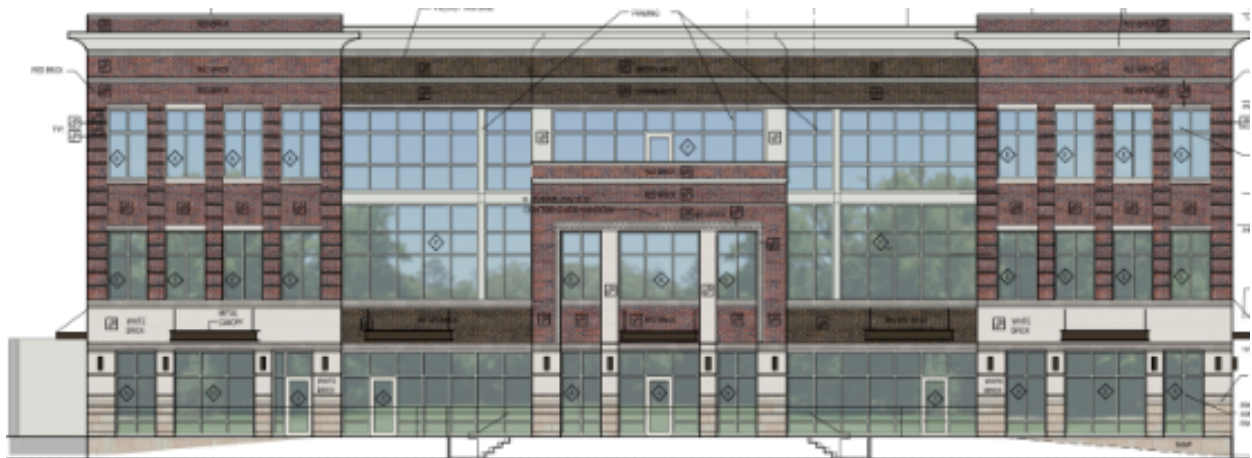
EAST ELEVATION - AREA A



Main St.

Upper Elevation: 3222 SQFT
Lower Elevation: 1880 SQFT
TOTAL OVERALL: 5,102 SQFT

WEST ELEVATION - AREA A



Avent Ferry Rd

3rd Floor Elevation: 1633 SQFT
2nd Floor Elevation: 1143 SQFT
1st Floor Elevation: 1143 SQFT
TOTAL OVERALL: 3,920 SQFT

THE BLOCK - MASTER SIGN PLAN

NORTH ELEVATION



Rogers St.

Upper Elevation: 7837 SQFT

Lower Elevation: 3227SQFT

TOTAL OVERALL: 11064 SQFT

SOUTH ELEVATION



3rd Floor Elevation: 3734 SQFT

2nd Floor Elevation: 2529 SQFT

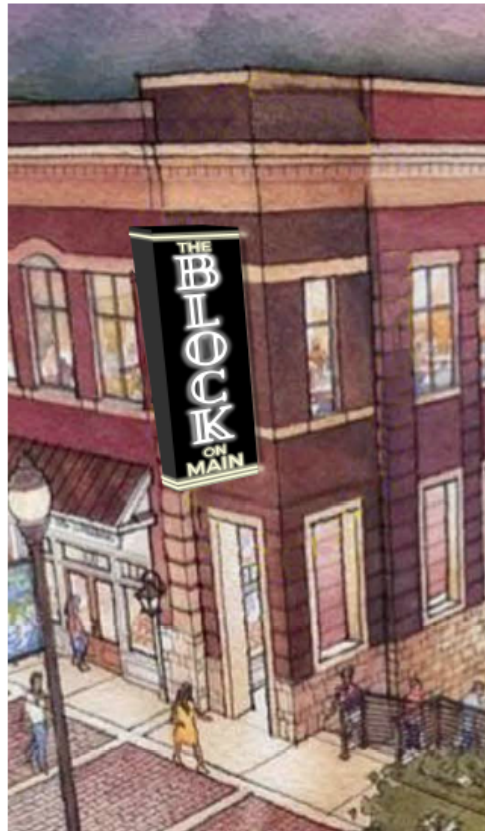
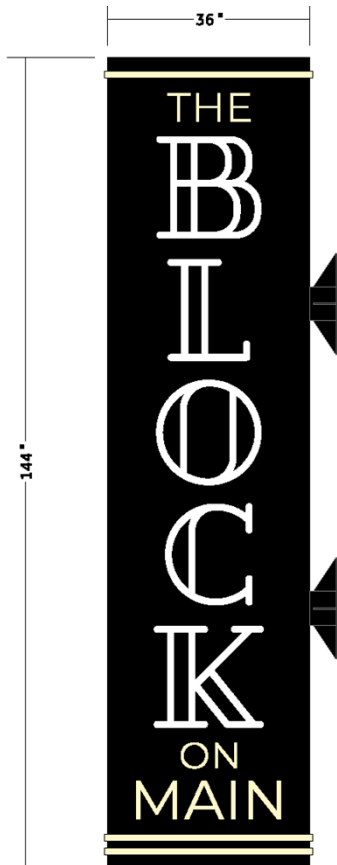
1st Floor Elevation: 2529 SQFT

TOTAL OVERALL: 8792 SQFT

THE BLOCK - MASTER SIGN PLAN

DEVELOPMENT PROJECTING SIGNS (2)

Vertical internally illuminated projecting signs located on the North East Corner of the building on East Elevation and the South West corner of the building on the West Elevation



THE BLOCK - MASTER SIGN PLAN

DIRECTORY SIGNAGE

Non-illuminated painted aluminum with first surface vinyl graphics on removable panels.



SIGN RESTRICTIONS

- No signage will be attached to any other part of the structure except for those signs listed in this Master Sign Plan.
- All tenant wall signs will be halo-lit and illuminated with LEDs
- All signs will be made of aluminum.
- Paint finish will be satin.
- No illuminated interior signage is allowed within 2' of the exterior glass.
- Temporary signage limited to special events, signage allowable with Landlord and Town approval.

WINDOW SIGNAGE

- May not exceed 25% of the square footage of the glazed area
 - Glass area that is only interrupted by mullions will be considered contiguous for calculation purposes
- White vinyl letters with store name/logo/address and business hours are required on main entry door for 1st floor tenants and is limited to 4 square feet.
- No tenant shall install privacy vinyl or obscure visibility over allowed percentage mentioned above without prior approval of Landlord and in accordance with Town of Holly Springs regulations.

A-FRAME SIGNAGE

- All A-frame signage must be Black "Signicade Deluxe" Double-sided A-Frame Display.
- Inserts are 24" x 36" and should be 1/8" thick substrate.
- A Frame signage must be placed in the area immediately adjacent to the Tenant space it is associated with.
- A frame signs may not be placed in the public Right of Way.
- A frame signs must be stored inside during non-business hours.
- No other free-standing temporary signage is permitted without prior Landlord approval.

THE BLOCK - MASTER SIGN PLAN

RESERVED PARKING SIGNAGE

- Business specific Reserved Parking signs may not be installed without prior Landlord approval
- Tenant Logo of cut vinyl to fit inside designated 9" x 6" area

PROJECT CORNERSTONE PLAQUE

- Non-lighted cast plaque or routed sign equal to or less than 4 square feet is permitted

PROHIBITED SIGNAGE

- Signs installed without prior Landlord approval and approved permits from the Town of Holly Springs
- Fabricated or formed plastic letters
- Paper, cardboard, or plastic corrugated signs
- Animated, flashing, blinking, audible or moving signage of any kind
- Banners, feather flags or pop-up display boards
- Windblown signs

AMPHITHEATER WALL MURAL

- One wall mural is permitted on the retaining wall of the amphitheater.
- Additional permits and approvals may be required per the Development Plan approval and the Town of Holly Springs Unified Development Ordinance (UDO).



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 13.

New Business

Title: Revisions to Town of Holly Springs Code of Ordinances Chapter 8 Environment, Articles V-VIII and Adoption of Drainage Policy P-047.

Strategic Priority Area: Responsible & Balanced Growth
Safe & Friendly

Staff Resource: Daniel Colavito, Utilities and Infrastructure

Action(s):

Adopt revisions to Town of Holly Springs Code of Ordinances Chapter 8 Environment, Articles V-VIII and adopt new Drainage Policy P-047.

Explanation:

- In order to enact changes to the Town's Stormwater Program Management Fee as adopted by Town Council for the FY 2020-21 budget, ordinance revisions reflect the updated billing model.
- Ordinance revisions also include the following:
 - Terminology changes such as SCM (Stormwater Control Measures) instead of BMP (Best Management Practices) and department responsible for the ordinance, the Utilities and Infrastructure Department.
 - Changes to the Equivalent Residential Unit (ERU) square footage.
 - Credits and exemptions - Fee credits will be made available for non-residential (NSFR) properties with SCMs that exceed minimum performance standards for post-construction stormwater management. A property may receive a monthly fee reduction up to 25% of the property's fee if it provides stormwater treatment above the minimum design requirement. Properties that receive crediting should incorporate elements as outlined in the Vision Holly Springs Land Use and Character Plan, including but not limited to: Green infrastructure, Natural Stormwater Management and Green Streets.
 - Appeals and Variances - The existing Environmental Appeal Committee (EAC) shall consider appeals and variances from requirements to the environmental ordinances found in this chapter. Further appeals of the EAC shall be heard by the Board of Adjustment.
- In conjunction with the new fee schedule, the Town will implement Drainage Policy P-047 that outlines the Town's approach and responsibility as it relates to repair and/or improvement to private storm drainage infrastructure.
- The purpose of the drainage policy is to provide guidance regarding the responsibility for maintenance of drainage easements, and to set forth criteria when the Town might participate in repairs outside of the right-of-way, converting a private easement to a public easement and assuming responsibility.
- Based upon available funding, the Town will prioritize all known projects based on

established weighting criteria including but not limited to:

- Life & Safety
- Threat to Public Infrastructure
- Flooding Concerns
- Property Damage
- Number of Citizens Affected
- Environmental Harm

Background:

- At the Town Council Annual planning retreat in February 2019, Town Council recommended funding current level of service (stormwater program management, operations and maintenance and capital improvement planning) with a stormwater fee approach that includes a flat rate for residential and an Equivalent Residential Unit (ERU) for non-residential properties.
- Subsequently, at the April 14, 2020 Town Council Workshop budget development presentation, Town Council recommended as part of the FY 2020-21 budget a flat rate fee of \$5.20 for residential properties and an ERU determined to be 2,930 square feet (SF) of impervious surface for non-residential properties. The ERU is based on a statistically significant sampling of detached single-family residential parcels in the town limits of Holly Springs. For example, a non-residential parcel containing 10,000 SF of impervious surface would be charged a rate of 4 ERU's.
- Town Council also determined at the April 14, 2020 Town Council Workshop that the fee would become effective January 1, 2021.
- The purpose of the fee increase is to reduce a funding gap in the stormwater enterprise fund which is currently subsidized by the General Fund and address current fee inequities and disproportionate revenue sourcing. Additional factors include a backlog of identified drainage projects and adverse weather events that cause flooding.
- The proposed amendments to the ordinance reflect the necessary verbiage to implement the rate changes, and fee credit process for the stormwater management program enterprise fund.
- The drainage policy provides for objectivity in assessing and prioritizing repair needs based upon available funding, partnership expectations and requirements from private property owners if the Town were to make repairs on private property and legal considerations (e.g. recording of new easements and contracts with property owners).

Funding Source(s):

NA

Attachment(s):

1. Stormwater Ordinance Revisions 11-24-20 final
2. P-Storm Drainage 11-24-20

ARTICLE V. - NPDES PHASE II POST-CONSTRUCTION STORMWATER

DIVISION 1. - GENERALLY

Sec. 8-191. - Title.

This article shall be officially known as "The Phase II Post-Construction Stormwater Ordinance." It is referred to herein as "this article."

(Ord. No. 07-17, § 2(Exh. A), 11-6-2007)

Sec. 8-192. - Authority.

The Holly Springs Town Council is authorized to adopt this article pursuant to North Carolina law, including but not limited to Article 14, Section 5 of the Constitution of North Carolina; Town of Holly Springs; North Carolina General Statutes 143-214.7 and rules promulgated by the Environmental Management Commission thereunder; Session Law 2004-163; Chapters 160A, §§ 174, 185 and Article 19 of Chapter 160A.

(Ord. No. 07-17, § 2(Exh. A), 11-6-2007)

Sec. 8-193. - Findings.

The Holly Springs Town Council hereby finds that development and redevelopment alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, nonpoint and point source pollution, and sediment transport and deposition, as well as reducing groundwater recharge;

These changes in stormwater runoff contribute to increased quantities of water-borne pollutants and alterations in hydrology which are harmful to public health and safety as well as to the natural environment; and

These effects can be managed and minimized by applying proper design and well-planned controls to manage stormwater runoff from development sites.

Further, the Federal Water Pollution Control Act of 1972 ("Clean Water Act") and federal Phase II Stormwater Rules (Phase II Rules) promulgated under it, as well as rules of the North Carolina Environmental Management Commission promulgated in response to federal Phase II requirements, compel certain urbanized areas, including this jurisdiction, to adopt the minimum stormwater controls such as those included in this article.

Therefore, the Holly Springs Town Council ("town council") establishes this set of water quality and quantity regulations to meet the requirements of state and federal law regarding control of stormwater runoff and discharge.

(Ord. No. 07-17, § 2(Exh. A), 11-6-2007)

Sec. 8-194. - Purpose.

- (a) *General.* The purpose of this article is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint and point source pollution associated with new development and redevelopment. It has been determined that proper management of construction-related and post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, and general

welfare, and protect water and aquatic resources. This article works cooperatively with the flood damage prevention ordinance to achieve this purpose.

(b) *Specific.* This article seeks to meet its general purpose through the following specific objectives and means:

- (1) Establishing decision-making processes for development that protects the integrity of watersheds and preserves the health of water resources;
- (2) Requiring that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable for the applicable design storm in order to reduce flooding, streambank erosion, nonpoint and point source pollution and increases in stream temperature, and to maintain the integrity of stream channels and aquatic habitats;
- (3) Establishing minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
- (4) Establishing design and review criteria for the construction, function, and use of structural stormwater structural control measures ("SCMs") that may be used to meet the minimum post-development stormwater management standards;
- (5) Encouraging the use of better management and site design practices, such as the use of vegetated conveyances for stormwater and the preservation of green space and other conservation areas to the maximum extent practicable;
- (6) Establishing provisions for the long-term responsibility for and maintenance of structural stormwater SCMs to ensure that they continue to function as designed, are maintained appropriately, and pose no threat to public safety;
- (7) Establishing administrative procedures for the submission, review, approval and disapproval of stormwater management plans, for the inspection of approved projects, and to assure appropriate long-term maintenance.

(Ord. No. 07-17, § 2(Exh. A), 11-6-2007)

Sec. 8-195. - Applicability and jurisdiction.

- (a) *General.* Beginning with and subsequent to its effective date, this article shall be applicable to all development and redevelopment, including, but not limited to, development plan applications, preliminary plan applications, and grading applications, unless exempt pursuant to subsection (c) of this section, exemptions, below.
- (b) *Jurisdiction.* This article is hereby adopted by the town council to apply to the corporate limits of the Town of Holly Springs ("town") and its extraterritorial jurisdiction ("ETJ").
- (c) *Exemptions.* Development that cumulatively disturbs less than one acre and is not part of a larger common plan of development or sale is exempt from the provisions of this article.

Redevelopment that cumulatively disturbs less than one acre and is not part of a larger common plan of development or sale is exempt from the provisions of this article.

Development and redevelopment that disturb one acre are not exempt if such activities are part of a larger common plan of development or sale, even though multiple, separate or distinct activities take place at different times on different schedules.

Activities exempt from permit requirements of Section 404 of the Federal Clean Water Act, as specified in 40 CFR 232 (primarily, ongoing farming and forestry activities) are exempt from the provisions of this article.

Single-family residential that cumulatively disturbs one acre or more and is not part of a larger common plan of development or sale may be exempt from portions of this article provided that they utilize nonstructural SCMs as outlined in the design manual.

- (d) *No development or redevelopment until compliance and permit.* No development or redevelopment shall occur except in compliance with the provisions of this article or unless exempted. No development for which a permit is required pursuant to this article shall occur except in compliance with the provisions, conditions, and limitations of the permit.
- (e) *Map.* A "Town of Holly Springs Stormwater Map" ("stormwater map") shall be kept on file by the ~~engineering department~~Utilities and Infrastructure Services. The stormwater map will apply to the town and its ETJ. The stormwater map may be amended from time to time to include changes to the geographic boundaries of the town due to annexation or extension of the town's ETJ. The stormwater map shall be updated to take into account the geographic location of all structural SCMs permitted under this article. In the event of a dispute, the applicability of this article to a particular area of land or structural SCM shall be determined by reference to the North Carolina Statutes, the North Carolina Administrative Code, and local zoning (Unified Development Ordinance (UDO)) and jurisdictional boundary ordinances.

(Ord. No. 07-17, § 2(Exh. A), 11-6-2007; Ord. No. 15-04, § 1, 5-5-2015)

Sec. 8-196. - Interpretation.

- (a) *Meaning and intent.* All provisions, terms, phrases, and expressions contained in this article shall be construed according to the general and specific purposes set forth in Section 104, Purpose. If a different or more specific meaning is given for a term defined elsewhere in Holly Springs Town Code the meaning and application of the term in this article shall control for purposes of application of this article.
- (b) *Text controls in event of conflict.* In the event of a conflict or inconsistency between the text of this article and any heading, caption, figure, illustration, table, or map, the text shall control.
- (c) *Authority for interpretation.* The ~~director of engineering~~Executive Director of Utilities and Infrastructure Services, or ~~engineering department~~Utilities and Infrastructure Services, has authority to determine the interpretation of this article. Any person may request an interpretation by submitting a written request to the ~~engineering department~~Utilities and Infrastructure Services who shall respond in writing within 30 days. The ~~engineering department~~Utilities and Infrastructure Services shall keep on file a record of all written interpretations of this article.
- (d) *References to statutes, regulations, and documents.* Whenever reference is made to a resolution, ordinance, statute, regulation, manual (including the design manual), or document, it shall be construed as a reference to the most recent edition of such that has been finalized and published with due provision for notice and comment, unless otherwise specifically stated.
- (e) *Computation of time.* The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the town, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by the town. References to days are calendar days unless otherwise stated.
- (f) *Delegation of authority.* Any act authorized by this article to be carried out by the ~~engineering department~~Utilities and Infrastructure Services of the town may be carried out by his or her designee.
- (g) *Usage.*
 - (1) *Mandatory and discretionary terms.* The words "shall" and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.

- (2) *Conjunctions.* Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows: The word "and" indicates that all connected items, conditions, provisions or events apply. The word "or" indicates that one or more of the connected items, conditions, provisions or events apply.
- (3) *Tense, plurals, and gender.* Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.
- (h) *Measurement and computation.* Lot area refers to the amount of horizontal land area contained inside the lot lines of a lot or site.

(Ord. No. 07-17, § 2(Exh. A), 11-6-2007)

Sec. 8-197. - Design manual.

- (a) *Reference to design manual.* The ~~engineering department~~ **Utilities and Infrastructure Services** shall use the policy, criteria, and information, including technical specifications and standards, in the Town of Holly Springs Stormwater Design Manual ("design manual"), which is contained in Section 8 of the Town of Holly Springs Engineering Design Standards and Specifications, as the basis for decisions about stormwater permits and about the design, implementation and performance of structural SCMs and nonstructural SCMs.

The design manual includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. Stormwater treatment practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards of the Phase II laws.

- (b) *Relationship of design manual to other laws and regulations.* If the specifications or guidelines of the design manual are more restrictive or apply a higher standard than other laws or regulations, that fact shall not prevent application of the specifications or guidelines in the design manual.
- (c) *Changes to standards and specifications.* If the standards, specifications, guidelines, policies, criteria, or other information in the design manual are amended subsequent to the submittal of an application for approval pursuant to this article but prior to approval, the new information shall control and shall be utilized in reviewing the application and in implementing this article with regard to the application.
- (d) *Amendments to design manual.* The design manual may be updated and expanded from time to time, based on advancements in technology and engineering, improved knowledge of local conditions, or local monitoring or maintenance experience.

Prior to amending or updating the design manual, proposed changes shall be generally publicized and made available for review, and an opportunity for comment by interested persons shall be provided.

(Ord. No. 07-17, § 2(Exh. A), 11-6-2007)

Sec. 8-198. - Relationship to other laws, regulations and private agreements.

- (a) *Conflict of laws.* This article is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this article are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human or environmental health, safety, and welfare, shall control.

- (b) *Private agreements.* This article is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this article are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this article shall govern. Nothing in this article shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not legitimize any failure to comply with this article. In no case shall the town be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

(Ord. No. 07-17, § 2(Exh. A), 11-6-2007)

Sec. 8-199. - Severability.

If the provisions of any section, subsection, paragraph, subdivision or clause of this article shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this article.

(Ord. No. 07-17, § 2(Exh. A), 11-6-2007)

Sec. 8-200. - Effective date and transitional provisions.

- (a) *Effective date.* This article shall take effect on November 6, 2007.
- (b) *Final approvals, complete applications.* All development and redevelopment projects for which complete major residential subdivision plan, master plan, development plan, special exception use and PUD master plan where a complete petition has been submitted and remains active in the development review process or approved by the town prior to the effective date of this article and otherwise valid pursuant to the Town of Holly Springs Unified Development Ordinance ("UDO") shall be exempt from complying with all provisions of this article dealing with the control and/or management of post-construction runoff, but shall be required to comply with all other applicable provisions.
- (c) *Violations continue.* Any violation of provisions existing on the effective date of this article shall continue to be a violation under this article and be subject to penalties and enforcement under this article unless the use, development, construction, or other activity complies with the provisions of this article.

(Ord. No. 07-17, § 2(Exh. A), 11-6-2007)

Sec. 8-201. - Responsibility for extending stormwater.

All development shall extend stormwater connections, contained in private drainage easements, sized to receive and to convey stormwater to and from adjacent properties built out conditions shown on the most current version of the town future land use plan and in accordance with the town engineering design and construction standards.

(Ord. No. 12-02, § 5, 3-20-2012)

Secs. 8-202—8-210. - Reserved.

DIVISION 2. - ADMINISTRATION AND PROCEDURES

Sec. 8-211. - Review and decision-making entities.

- (a) ~~Director of engineering~~Executive Director of Utilities and Infrastructure Services ~~designation.~~The Executive Director of Utilities and Infrastructure Services~~director of engineering~~, or engineering departmentUtilities and Infrastructure Services, shall administer and enforce this article.
- (b) *Powers and duties.* In addition to the powers and duties that may be conferred by other provisions of the Town of Holly Springs Town Code and other laws, the ~~engineering department~~Utilities and Infrastructure Services shall have the following powers and duties under this article:
 - (1) To review and approve, approve with conditions, or disapprove applications for approval of plans pursuant to this article.
 - (2) To make determinations and render interpretations of this article.
 - (3) To establish application requirements and schedules for submittal and review of applications and appeals, to review and make recommendations to the town council on applications for development or redevelopment approvals.
 - (4) To enforce the provisions of this article in accordance with its enforcement provisions.
 - (5) To maintain records, maps, and official materials as relate to the adoption, amendment, enforcement, or administration of this article.
 - (6) To provide expertise and technical assistance to the town council, upon request.
 - (7) To designate appropriate other person(s) who shall carry out the powers and duties of the ~~engineering department~~Utilities and Infrastructure Services.
 - (8) To take any other action necessary to administer the provisions of this article.

(Ord. No. 07-17, § 2(Exh. A), 11-6-2007)

Sec. 8-212. - Review procedures.

- (a) *Permit required; shall apply for permit.* A stormwater permit ("permit") is required for all development and redevelopment unless exempt pursuant to this article. A permit may only be issued subsequent to a properly submitted and reviewed stormwater permit application, pursuant to this section.
- (b) *Effect of permit.* A stormwater permit shall govern the design, installation, and construction of stormwater management and control practices on the site, including structural stormwater SCMs and elements of site design for stormwater management other than structural stormwater SCMs.

The permit is intended to provide a mechanism for the review, approval, and inspection of the method to be used for the management and control of stormwater for the development or redevelopment site consistent with the requirements of this article, whether the approach consists of structural stormwater SCMs or other techniques such as low-impact or low-density design. The permit does not continue in existence indefinitely after the completion of the project; rather, compliance after project construction is assured by the maintenance provisions of this article.

- (c) *Authority to file applications.* All applications required pursuant to this article shall be submitted to the ~~engineering department~~Utilities and Infrastructure Services by the landowner or the ~~land owner's~~landowner's duly authorized agent.
- (d) *Establishment of application requirements, schedule, and fees.*
 - (1) *Application contents and form.* The ~~engineering department~~Utilities and Infrastructure Services shall establish requirements for the content and form of all applications and shall amend and update those requirements from time to time. At a minimum, the stormwater permit application shall describe in detail how post-development stormwater runoff will be controlled and managed, the design of all stormwater facilities and practices, and how the proposed project will meet the requirements of this article.

(2) *Submission schedule.* The ~~engineering department~~Utilities and Infrastructure Services shall establish a submission schedule for applications, which shall be in accordance with other schedules for plan approval as described in the Town of Holly Springs Development Procedures Manual ("DPM"). The schedule shall establish deadlines by which complete applications shall be submitted for the purpose of ensuring that there is adequate time to review applications and that the various stages in the review process are accommodated.

(3) *Permit review fees.* The town council shall establish permit review fees and may amend and update the fees and policies from time to time. Fees will be set based on the effective schedule of fees and approved by the town council.

(e) *Submittal of complete application.* Applications shall be submitted to the ~~engineering department~~Utilities and Infrastructure Services pursuant to the application submittal schedule in the form established by the ~~engineering department~~Utilities and Infrastructure Services, along with the appropriate fee established pursuant to this section.

An application shall be considered as timely submitted only when it contains all elements of a complete application pursuant to this article, along with the appropriate fee. If the ~~engineering department~~Utilities and Infrastructure Services finds that an application is incomplete, the applicant shall be notified of the deficient elements and shall be provided with an opportunity to submit a complete application. However, the submittal of an incomplete application shall not suffice to meet a deadline contained in the submission schedule established above.

(f) *Review.* The ~~engineering department~~Utilities and Infrastructure Services shall review the application and determine whether the application complies with the standards of this article. The review will take place in accordance with schedules set forth in the DPM.

(1) *Approval.* If the ~~engineering department~~Utilities and Infrastructure Services finds that the application complies with the standards of this article, the ~~engineering department~~Utilities and Infrastructure Services shall approve the application. The ~~engineering department~~Utilities and Infrastructure Services may impose conditions of approval as needed to ensure compliance with this article. The conditions shall be included as part of the approval.

(2) *Fails to comply.* If the ~~engineering department~~Utilities and Infrastructure Services finds that the application fails to comply with the standards of this article, the ~~engineering department~~Utilities and Infrastructure Services shall notify the applicant and shall indicate how the application fails to comply. The applicant shall have an opportunity to submit a revised application.

(3) *Revision and subsequent review.* A complete revised application shall be reviewed by the ~~engineering department~~Utilities and Infrastructure Services after its resubmittal and shall be approved, approved with conditions or disapproved in accordance with time schedules set forth in the DPM.

If a revised application is not resubmitted within 30 calendar days from the date the applicant was notified, the application shall be considered withdrawn, and a new submittal for the same or substantially the same project shall be required along with the appropriate fee.

One resubmittal of a revised application may be submitted without payment of an additional permit review fee. Any resubmittal after the first resubmittal shall be accompanied by a permit review fee additional fee, as established pursuant to this article.

(Ord. No. 07-17, § 2(Exh. A), 11-6-2007)

Sec. 8-213. - Applications for approval.

(a) *Preliminary review, concept plan and consultation meeting.* Before a stormwater permit application is deemed complete, it shall be preliminarily reviewed by the ~~engineering department~~Utilities and Infrastructure Services at a meeting. This concept plan meeting shall take place a minimum of 14 days prior to submittal of a development plan at the time of the preliminary review process. The

purpose of this meeting is to discuss the post-construction stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential approaches to stormwater management designs before formal site design engineering is commenced. Local watershed plans, the current stormwater map, the current open space master plan, and other relevant resource protection plans may be consulted in the discussion of the concept plan.

To accomplish this goal the following information should be included in the concept plan, which shall be submitted 14 days in advance of the meeting:

- (1) *Existing conditions/proposed site plans.* Existing conditions and proposed site layout sketch plans, which illustrate at a minimum: existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys (when available); boundaries of existing predominant vegetation and proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas and other impervious surfaces.
 - (2) *Natural resources inventory.* A natural resource inventory is a written or graphic inventory of the natural resources at the site and surrounding area, as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, geologic features, topography, wetlands, and native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide [particular opportunities](#) or constraints for development.
 - (3) *Stormwater management system concept plan.* A stormwater management system concept plan is a written or graphic concept plan of the proposed post-development stormwater management system including: preliminary selection and location of proposed structural stormwater controls; low-impact design elements; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of proposed stream channel modifications, such as bridge or culvert crossings.
- (b) *Stormwater permit application.* The stormwater permit application shall detail how post-development stormwater runoff will be controlled and managed and how the proposed project will meet the requirements of this article, including Division 3, Standards. All such plans shall be prepared by a qualified registered North Carolina Professional Engineer, and the engineer shall perform services only in their area of competence, and shall verify that the design of all stormwater management facilities and practices meets the submittal requirements for complete applications, that the designs and plans are sufficient to comply with applicable standards and policies found in the design manual, and that the designs and plans ensure compliance with this article.

The submittal shall include all of the information required in the submittal checklist established by the [engineering department Utilities and Infrastructure Services](#). Incomplete submittals shall be treated pursuant to Section xx-202(E).

- (c) *As-built plans and final approval.* Upon completion of a project, and before a certificate of occupancy shall be granted, a licensed professional engineer ("PE") for the applicant shall certify that the completed project is substantially in accordance with the approved stormwater management plans and designs, and shall submit actual "as-built" plans for all structural SCMs after final construction is completed.

The plans shall show the final design specifications for all structural SCMs and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed. The designer of the structural SCMs and plans shall certify, under seal, that the as-builts are in compliance with the approved stormwater management plans and designs and with the requirements of this article. A final inspection and approval by the [engineering department Utilities and Infrastructure Services](#) shall occur before the

release of any performance securities. Such plans shall be submitted in mylar and in an approved electronic format to the ~~engineering department~~Utilities and Infrastructure Services.

- (d) *Private drainage easements.* The approval of the stormwater management plan shall require documentation, approved by the town, of an enforceable restriction on property usage that runs with the land, such as recorded deed restrictions or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans.

Private drainage easements are intended to provide access for inspection, maintenance, and access for repair of structural portions of storm drainage conveyance systems. In addition to structural SCMs, all other portions of the storm drainage systems located on private property shall be maintained by the property owner(s). In the event that privately-owned storm drainage systems are not maintained by the property owner and are causing an emergency situation or threat to public rights of way, the town may take corrective action, then charge the property owner(s) for all costs associated with the corrective action. All private drainage easements shall be recorded after construction but prior to certificate of occupancy and shall meet all other requirements outlined in this article.

Private drainage easements shall be provided on all storm drainage systems and structures including but not limited to the following: pipes, channels, inlets, junction boxes, structural post-construction stormwater SCMs, new impoundments, existing impoundments on or off site and/or adjacent to new development, streams, wetlands, other natural stormwater conveyances, and any other drainage locations deemed appropriate by the town's ~~engineering department~~Utilities and Infrastructure Services. Private drainage easements shall be indicated on the final plat, labeled and recorded as a private drainage easement. Such easements shall be located on commonly owned property unless it is required for individual lot use. All private drainage easements shall be at least 20-[feet] in width unless otherwise specified in the town engineering design and construction standards.

Private drainage easements shall be required on site for any and all development which accepts and/or conveys stormwater runoff. Exemptions can be permitted by the ~~director of engineering~~Executive Director of Utilities and Infrastructure Services in instances where it can be proven that the storm drainage system on non-residential parcel(s) has been designed to serve lands only internal to the property.

- (e) *Other permits.* No certificate of compliance or occupancy, building permits, or inspections may be issued by the town without final as-built plans, recorded deeds and plats and a final inspection and approval by the ~~engineering department~~Utilities and Infrastructure Services, except where multiple units are served by the structural SCMs, in which case the town may elect to withhold a percentage of permits or certificates of occupancy until as-built plans are submitted and final inspection and approval has occurred.

(Ord. No. 07-17, § 2(Exh. A), 11-6-2007; Ord. No. 11-10, pt. 1, 12-20-2011)

Sec. 8-214. - Approvals.

- (a) *Effect of approval.* Approval authorizes the applicant to go forward with only the specific plans and activity authorized in the permit. The approval shall not be construed to exempt the applicant from obtaining other applicable approvals from local, state, and federal authorities.
- (b) *Time limit/expiration.* An approved plan shall become null and void if the applicant has failed to make substantial progress on the site within one year after the date of approval. The ~~engineering department~~Utilities and Infrastructure Services may grant a single, one-year extension of this time limit, for good cause shown, upon receiving a written request from the applicant before the expiration of the approved plan.

In granting an extension, the ~~engineering department~~Utilities and Infrastructure Services may require compliance with standards adopted since the original application was submitted unless there has been substantial reliance on the original permit and the change in standards would infringe the applicant's vested rights.

(Ord. No. 07-17, § 2(Exh. A), 11-6-2007)

Sec. 8-215. - Appeals.

- (a) *Right of appeal.* Any aggrieved person affected by any decision, order, requirement, or determination relating to the interpretation or application of this article and made by the ~~engineering department~~ Utilities and Infrastructure Services may file an appeal within 30 days from notification as outlined by the provisions provided in Chapter 8, Article VII of the Town's Code of Ordinances. In the absence of a petition of appeal within 30 days from ~~notification~~ notification, the assessment of the town shall be final.

(Ord. No. 07-17, § 2(Exh. A), 11-6-2007; Ord. No. 10-03, pt. 6, 5-4-2010)

Secs. 8-216—8-230. - Reserved.

DIVISION 3. - STANDARDS

Sec. 8-231. - General standards.

All development and redevelopment to which this article applies shall comply with the standards of this section.

(Ord. No. 07-17, § 2(Exh. A), 11-6-2007)

Sec. 8-232. - Development standards.

All development for which a land disturbance permit is required (one acre or greater of disturbed area) shall implement structural and nonstructural SCMs that comply with each of the following performance standards. The structural and nonstructural SCMs shall control and treat:

- (1) The difference in stormwater runoff peak discharge rate leaving the project site between the pre-development and post-development conditions for, at a minimum, the one-year, 24-hour storm (2.83 inches). Runoff volume drawdown time shall be a minimum of 24 hours, but not more than 120 hours.
- (2) The total nitrogen (TN) export limitations, in a manner consistent with the Neuse Basin Rules, 15A NCAC 2B.0233, will be required throughout the town and extra territorial jurisdiction. The town council may establish fee in lieu for nitrogen export and may amend and update the fees and policies from time to time. Fee costs and policies will be outlined in the design manual.
- (3) A minimum of 85 percent average annual removal for Total Suspended Solids (TSS);
- (4) General engineering design criteria for all projects shall be in accordance with 15A NCAC 2H.1008©, as explained in the design manual;
- (5) All built-upon area shall be at a minimum of 30 feet landward of all perennial and intermittent surface waters, as described in section 7.06 of the UDO.

(Ord. No. 07-17, § 2(Exh. A), 11-6-2007; Ord. No. 15-04, § 1, 5-5-2015)

Sec. 8-233. - Comprehensive watershed plan.

- (a) *In general.* ~~The town does not currently have a comprehensive watershed plan; however the town may choose to implement one or more~~ Based upon the most current version of the comprehensive watershed plan, the Town may choose to implement previously identified projects with the intent to

meet the minimum NPDES Phase II requirements for post-construction discharges and other local, state or federal regulations. This plan may be for planned development or for watersheds in general. They may be developed in conjunction with existing or planned structural and nonstructural SCMs. Such measures include but are not limited to: stormwater master planning, riparian buffers, floodplain protections, open space preservation, conservation or drainage easements, and erosion and sediment control.

- (b) *Basin models required.* The town shall require hydrologic and hydraulic studies to be prepared (or updated whichever is applicable) for development which occurs upstream or downstream of existing or potential drainage problems and/or flooding problems, as determined by the ~~director of~~ engineering ~~Executive Director of Utilities and Infrastructure Services~~. In addition, if development occurs upstream or downstream of any existing flood study or basin model, then the flood study or basin model shall be modified. This determination shall be made by the ~~director of~~ engineering ~~Executive Director of Utilities and Infrastructure Services~~ after an evaluation of the project and the downstream basin with respect to information contained in Holly Springs Policy Statement P-18. New studies and updates under this requirement shall be required to be submitted to the town as part of the development review process.

(Ord. No. 07-17, § 2(Exh. A), 11-6-2007)

Sec. 8-234. - Standards for stormwater control measures.

- (a) *Evaluation according to contents of design manual.* All structural and nonstructural SCMs required under this article shall be evaluated by the ~~engineering department~~ Utilities and Infrastructure Services according to the policies, criteria, and information, including technical specifications and standards and the specific design criteria for each stormwater practice in the design manual. The ~~engineering department~~ Utilities and Infrastructure Services shall determine whether they will be adequate to meet the requirements of this article.
- (b) *Determination of adequacy; presumptions and alternatives.* Structural stormwater SCMs that are designed, constructed, and maintained in accordance with the criteria and specifications in the design manual will be presumed to meet the minimum water quality and quantity performance standards of this article. Whenever an applicant proposes to utilize structural stormwater ~~BMPSCM~~(s) not designed and constructed in accordance with the criteria and specifications in the design manual, the applicant shall have the burden of demonstrating that the structural stormwater ~~BMPSCM~~(s) will satisfy the minimum water quality and quantity performance standards of this article. The ~~engineering department~~ Utilities and Infrastructure Services may require the applicant to provide such documentation, calculations, and examples as necessary for the ~~engineering department~~ Utilities and Infrastructure Services to determine whether such an affirmative showing is made.

(Ord. No. 07-17, § 2(Exh. A), 11-6-2007)

Sec. 8-235. - Variances.

- (a) *Petitions for variances.* Any person may petition the environmental appeal committee as outlined in Chapter 8, Article VII of the Town's Code of Ordinances for a variance granting permission to use the person's land in a manner otherwise prohibited by this article.
 - (1) Unnecessary hardships would result from strict application of this article.
 - (2) The hardships result from conditions that are peculiar to the property, such as the location, size, or topography of the property.
 - (3) The hardships did not result from actions taken by the petitioner.

- (4) The requested variance is consistent with the spirit, purpose, and intent of this article; will secure public safety and welfare; and will preserve substantial justice.
- (b) *Safeguards upon variances.* The town may impose reasonable and appropriate conditions and safeguards upon any variance it grants.

(Ord. No. 07-17, § 2(Exh. A), 11-6-2007; Ord. No. 10-03, pt. 6, 5-4-2010)

Sec. 8-236. - Vested rights.

The purpose of this section is to provide for the establishment of certain vested rights in order to ensure reasonable certainty, stability and fairness to the reasonable expectations of landowners affected by this article in recognition that approval of land development projects or subdivisions typically follows significant landowner investment in site development.

A vested right shall be established upon the approval of a major residential subdivision plan, master plan, special exception use, development plan or approved PUD master plan with an approval that is currently valid.

- (1) *Exceptions.* Excepted from this provision is any vesting of rights on property located partially or entirely within Zone 1 or Zone 2 of the Neuse River Basin, as defined by 15A NCAC 02B.022. Vested rights within these zones shall be determined in accordance with 15A NCAC 02B.022, et seq.
- (2) *Vested rights shall run with the land.* The right to carry out development in accordance with the major residential subdivision plan, master plan, special exception use, development plan or approved PUD master plan approval shall attach and run with the land, and is not a personal right to the landowner. All successors and heirs to the original landowner shall be entitled to exercise such rights, as long as development occurs in accordance within the approved plan as noted above.
- (3) *Subsequent changes prohibited.*
 - a. A vested right, once established as provided for in this article, precludes any zoning action by the town which would change, alter, impair, diminish, or otherwise delay the development or use of the property as set forth in the major residential subdivision plan, master plan, special exception use, development plan or approved PUD master plan as submitted, except:
 - b. Upon written consent of the landowner;
 - c. Upon a finding by the town council after notice and public hearing that natural or manmade hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety and welfare if the project were to proceed as contemplated in the major residential subdivision plan, master plan, special exception use, development plan or approved PUD master plan;
 - d. To the extent that the landowner receives compensation for all costs, expenses and other losses incurred by the landowner.
 - e. Where the Holly Springs Town Council finds, after notice and public hearing, that the landowner or his representative supplied intentionally inaccurate information or made material misrepresentations which made a difference in the approval of the major residential subdivision plan, master plan, special exception use, development plan or approved PUD master plan;
 - f. Upon the enactment of a state or federal law or regulation which precludes development as contemplated in the major residential subdivision plan, master plan, special exception use, development plan or approved PUD master plan, in which case the town council may after

notice and public hearing, allow for a modification of the plan so as to comply with the new state or federal law or regulation;

- g. Vested rights under this article shall not preclude the application of overlay zoning which may impose additional requirements but does not affect the allowable type or use density, or other ordinances or regulations which are general in nature and are applicable to all property subject to land use regulation by the town.

- (4) *Changes to major residential subdivision plan, master plan, special exception use, development plan or approved PUD master plan.* Changes made by the owner of the project as listed in the development petition to a major residential subdivision plan, master plan, special exception use, development plan or approved PUD master plan shall be approved by the ~~engineering department~~ Utilities and Infrastructure Services as not significantly deviating from the original plan or PUD. Other changes to the plan will terminate the vested rights.

(Ord. No. 07-17, § 2(Exh. A), 11-6-2007)

Secs. 8-237—8-259. - Reserved.

DIVISION 4. - PERFORMANCE AND MAINTENANCE^[3]

Footnotes:

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Editor's note— Ord. No. 11-10, pt. 2, adopted Dec. 20, 2011, replaced §§ 8-261—8-268 in their entirety. Formerly §§ 8-261—8-268 pertained to maintenance and were derived from Ord. No. 07-17, § 2(Exh. A), adopted Nov. 6, 2007.

Sec. 8-260. - Function of SCMs as intended.

The applicant, permit holder, or owner of each structural ~~BMP~~ SCM installed pursuant to this article shall maintain and operate it so as to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the structural ~~BMP~~ SCM was designed.

(Ord. No. 11-10, pt. 2, 12-20-2011)

Sec. 8-261. - Inspection program.

~~Inspections~~ Inspections. The town may conduct or establish on any reasonable basis, including but not limited to ~~to~~ routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in SCMs; and evaluating the condition of SCMs. If the applicant, permit holder, owner or occupant of any property refuses to permit such inspection, the ~~engineering department~~ Utilities and Infrastructure Services shall proceed to obtain an administrative search warrant pursuant to G.S. 15-27.2. No person shall obstruct, hamper or interfere with the ~~engineering department~~ Utilities and Infrastructure Services while carrying out his or her official duties.

(Ord. No. 11-10, pt. 2, 12-20-2011)

Sec. 8-262. - Stormwater facility replacement fund (SFRF).

- (a) ~~In general-general.~~ The town shall establish a SFRF to provide means for the town to implement the use of stormwater maintenance surety funds paid by applicant, permit holder, or owner(s) for the purpose of operation and maintenance of structural SCMs at the town's discretion.
- (b) ~~Purpose-Purpose.~~ The SFRF is to ensure that adequate funds are available for the maintenance, repair, replacement and reconstruction of structural SCMs required by this article. To that end, funds expended from the SFRF shall be made for no other purpose other than for repair, maintenance, reconstruction and replacement of structural SCMs that have paid into that fund. No funds from the SFRF shall be used for administration of the program. Payments collected by the town pursuant to this section shall be kept separate from other revenue of the town. Any funds on deposit not immediately necessary for expenditure shall be invested as allowed in G.S. 159-30; all income derived shall be deposited in the separate account and can only be used as noted above. Monies expended from the SFRF together with interest may be recouped by the town from lot owners served by stormwater water control facilities maintained, repaired, reconstructed and replaced by the town or its contractors. All recouped monies and interest shall be returned to the SFRF. Payment into the fund is not intended as a substitute for surety that ensures the construction of the facilities, which surety may be required at such point in the development process as specified in town ordinances and policies.

(Ord. No. 11-10, pt. 2, 12-20-2011)

Sec. 8-263. - Performance surety for installation of structural SCMs.

Performance surety is required. Town requires the establishment of a performance surety to guarantee completion of construction plus one year of performance for structural SCMs. The performance surety for sites shall be required to be in place prior to/or at the time of the pre-construction meeting and the performance surety for subdivisions shall be in place prior to recording of the first plat, at the beginning of the infrastructure one year warranty period.

- (1) *In general.* Town requires the submittal of a surety in the form of a bond, cash escrow, or letter of credit in order to ensure that the structural SCMs are installed by the permit holder as required.
- (2) *Amount.* The amount of the performance surety shall be the total estimated construction cost of the structural SCMs sealed by a registered professional engineer approved under the permit plus ~~2550~~ percent.
- (3) ~~Stormwater development project improvements agreement (SDPIA)-L.~~ An executed SDPIA is required to establish and outline the requirements of the performance surety. For all structural SCMs required pursuant to this article the required SDPIA shall include ~~all-of-all~~ the following provisions:
 - a. Requiring the applicant, permit holder, owner(s) or association to construct all required structural SCMs at its own expense and maintain those structural SCMs, and shall state the terms, conditions, and schedule of maintenance for the structural SCMs are transferred from the developer to the owner(s) or association.
 - b. Granting to the town a right of entry in the event that the ~~engineering department~~Utilities and Infrastructure Services has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the structural SCMs; however, in no case shall the right of entry, of itself, confer an obligation on the town to assume responsibility for the structural SCMs.
 - c. A statement that this agreement shall not in any way diminish, limit, or restrict the right of the town to enforce any of its ordinances as authorized by law.

- d. A provision indemnifying and holding harmless the town for any costs and injuries arising from or related to the structural SCMs.
- e. The SDPIA shall be executed by one of the following:
 - 1. The person(s) financially responsible,
 - 2. The owner(s) of the land, and
 - 3. Any registered agents.

If the person(s) financially responsible or the owner(s) is not a resident of this state, a [state] agent must be designated in the statement for the purpose of receiving notice of compliance or non-compliance with the plan, the act, this chapter, or rules or orders adopted or issued pursuant to this chapter.

- (4) *Forfeiture provisions.* The performance surety and SDPIA shall contain forfeiture provisions for the failure to construct the SCMs, failure to annually renew the surety, or failure to maintain the SCMs, after proper notice from the town.
- (5) *Default.* Upon default of the applicant, permit holder, or owner with respect to the performance surety the town may obtain and use all or any portion of the surety to make necessary improvements. Such expenditure of funds shall only be made after requesting the applicant, permit holder, or owner to comply with the stormwater management plan or the SDPIA. In the event of a default triggering the use of performance surety, the town shall not return any of the unused funds.
- (6) *Costs in excess of performance surety.* If the town takes action to correct such failure by the applicant, permit holder, or owner, the town may collect additional monies from the applicant, permit holder, or owner.
- (7) *Release of guarantee.* The performance surety shall be released to the applicant, permit holder, owner, or terminated, after the following items have occurred or been completed.
 - a. Construction of the structural SCMs have been completed;
 - b. All applicable documentation and certifications have been received;
 - c. The maintenance surety has been received.

(Ord. No. 11-10, pt. 2, 12-20-2011)

Sec. 8-264. - Operation and maintenance surety for structural SCMs.

Maintenance surety is required. Town requires payment of a maintenance surety to the town's SFRF for the purpose of operation and maintenance of structural SCMs at the town's discretion. Prior to the release of the performance surety, after completion of construction of the SCMs and the end of the stormwater performance monitoring period (SPMP) the applicant, permit holder, owner(s) or association of the site shall execute a stormwater maintenance agreement (SMA) with the town that shall be binding on all subsequent owners of the site, portions of the site, and other lots or parcels served by the structural **BMPSCM**. Until the transfer or conveyance of all property, sites, or lots served by the structural **BMPSCM**, the original applicant, permit holder, or owner shall have sole responsibility for carrying out the provisions of the SMA.

- (1) *In general.* Town requires the submittal of a surety in the form cash to the SFRF in order to ensure that adequate funds are available for the maintenance, repair, replacement and reconstruction of structural SCMs required by this article.
- (2) *Amount.* The original applicant, permit holder, or owner shall make a payment to the town's SFRF in the amount of 35 percent of the actual cost of constructing all structural SCMs shown

on applicable stormwater management plans. Cash will be deposited in a town account without regard to interest being accrued for the applicant, developer, owner(s) or association.

- (3) *Stormwater maintenance agreement (SMA).* An executed SMA is required to establish and outline the requirements of the maintenance surety. The SMA shall be approved by the ~~engineering department~~Utilities and Infrastructure Services prior to the transfer of maintenance responsibility from the original applicant, permit holder, or owner to the association or owner(s). For all structural SCMs required pursuant to this article the required SMA shall include all of the following provisions:
- a. Acknowledgment that the applicant, permit holder, owner(s) or association shall continuously operate and maintain the structural SCMs.
 - b. Requiring the applicant, permit holder, owner(s) or association to maintain, repair and, if necessary, reconstruct the structural SCMs, and shall state the terms, conditions, and schedule of maintenance for the structural SCMs.
 - c. Granting to the town a right of entry in the event that the ~~engineering department~~Utilities and Infrastructure Services has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the structural SCMs; however, in no case shall the right of entry, of itself, confer an obligation on the town to assume responsibility for the structural SCMs.
 - d. A statement that this agreement shall not in any way diminish, limit, or restrict the right of the town to enforce any of its ordinances as authorized by law.
 - e. A provision indemnifying and holding harmless the town for any costs and injuries arising from or related to the structural SCMs.
 - f. All inspection records shall remain with the owner or responsible party. A copy of the approved operation & maintenance (O&M) manual for the structural SCMs, including a provision requiring an annual inspection and certification by a registered professional engineer.
 - g. The SMA shall be executed by one of the following:
 1. The person(s) financially responsible,
 2. The owner(s) of the land, and
 3. Any registered agents.

If the person(s) financially responsible or the owner(s) is not a resident of this state, a [state] agent must be designated in the statement for the purpose of receiving notice of compliance or non-compliance with the plan, the act, this article, or rules or orders adopted or issued pursuant to this article.

- (4) *Forfeiture provisions.* The maintenance surety and SMA shall contain forfeiture provisions for the failure to operate and maintain the SCMs after proper notice from the town.
- (5) *Default.* Upon default of the applicant, permit holder, owner(s) or association with respect to the maintenance surety the town may obtain and use all or any portion of the surety paid to the SFRF as outlined in section 8-262.
- (6) *Recovering costs and costs in excess of maintenance surety.* If the town takes action to maintain or repair the structural SCMs or to correct any operational deficiencies. The town shall take action to collect monies from the applicant, permit holder, owner(s), or association to recover expenditures. Failure to pay the town all of its expended costs, after 180 days' written notice, shall constitute a breach of the SMA. The town shall thereafter be entitled to bring an action against the applicant, permit holder, owner(s), or association to pay or foreclose upon the lien hereby authorized by the agreement against the property, or both, in case of a deficiency. Interest, collection costs, staff administrative costs, and attorney fees shall be added to the recovery.

- (7) *Release of guarantee.* Release of guarantee shall only occur if the structural **BMPSCM** is, in the opinion of the town, no longer required for controlling stormwater quality.

(Ord. No. 11-10, pt. 2, 12-20-2011)

Sec. 8-265. - Notice to owners.

- (a) *Deed recordation and indications on plat.* The applicable SMA, O&M manual, and private drainage easement pertaining to every structural **BMPSCM** shall be referenced on the final plat and shall be recorded at the expense of the owner with the county register of deeds upon final plat approval. The following statement shall be required on all plats that include structural SCMs:

"Structural Stormwater SCMs are contained in Private Drainage Easements shown on this plat and shall be operated and maintained as described in the executed Stormwater Maintenance Agreement and recorded Stormwater Operation and Maintenance Manual for this project."

If no plat is recorded for the project, then the O&M manual and the easement shall be recorded at the expense of the owner with the county register of deeds, with the current owner's name in the grantor index so as to appear in the chain of title of all subsequent purchasers under generally accepted searching principles. A certified copy of the recorded the O&M manual and the easement deed shall be given to the **engineering departmentUtilities and Infrastructure Services** within 14 days following its recordation.

- (b) *Signage.* Structural SCMs shall be posted with a conspicuous sign stating who is responsible for required maintenance and annual inspection, professional engineer's certification, and the structural **BMPSCM**'s purpose. The sign shall be maintained by the owner so as to remain visible and legible and shall otherwise comply with the town sign ordinances and the engineering design and construction standards.

(Ord. No. 11-10, pt. 2, 12-20-2011)

Sec. 8-266. - Records of installation and maintenance activities.

The owner of each structural **BMPSCM** shall keep records of inspections, maintenance, and repairs from the date of creation of the record and shall submit the same upon reasonable request to the **engineering departmentUtilities and Infrastructure Services**.

- (1) *Annual maintenance inspection and report.* The person responsible for maintenance of any structural **BMPSCM** installed pursuant to this article shall annually submit to the **engineering departmentUtilities and Infrastructure Services** an inspection report and certification, from a qualified registered state professional engineer, performing services only in their area of competence. The inspection report and certification shall contain all of the following:
- The name and address of the landowner;
 - The recorded book and page number of the lot of each structural **BMPSCM**;
 - A statement that an inspection was made of all structural SCMs;
 - The date the inspection was made;
 - Statements that all inspected structural SCMs are performing properly and are in compliance with the terms and conditions of the approved O&M manual required by this article. If maintenance measures are required, a statement of what maintenance is required shall be included, including the schedule of performing the maintenance; and
 - The original signature and seal of the engineer.

All documents shall be supplied in a format approved by the ~~engineering department~~Utilities and Infrastructure Services as described in the recorded O&M manual.

(Ord. No. 11-10, pt. 2, 12-20-2011)

Sec. 8-267. - Nuisance.

The owner of each structural ~~BMPSCM~~ shall maintain it so as not to create or result in a nuisance condition. For the purpose of this section, nuisance includes, but is not limited to, the following:

- (1) Structural SCMs that have maintenance issues such as overgrowth, trash accumulation, erosion, odor, standing water, mosquito infestation and other issues that could negatively affect the public.
- (2) Structural SCMs that are in the need of repair that negatively affect the public, public rights of way or other properties.

(Ord. No. 11-10, pt. 2, 12-20-2011)

Sec. 8-268. - Maintenance access easement.

In addition to the private drainage easement as outlined in section 8-213(d), every structural ~~BMPSCM~~ installed pursuant to this article shall be made accessible for adequate maintenance access to public rights of way and repair by a maintenance access easement. The easement shall be recorded by plat and its terms shall specify who may make use of the easement and for what purposes pursuant to the design manual.

(Ord. No. 11-10, pt. 2, 12-20-2011)

Sec. 8-269. - Insurance.

As part of the routine costs and expenses of maintaining any structural ~~BMPSCM~~, the owner of the structural ~~BMPSCM~~ (or the owner(s) or association responsible for maintenance, as either may be applicable) must procure and maintain in full force and effect liability insurance in an amount of not less than \$1,000,000.00 of coverage.

(Ord. No. 11-10, pt. 2, 12-20-2011)

Secs. 8-270—8-300. - Reserved.

DIVISION 5. - ENFORCEMENT AND VIOLATIONS

Sec. 8-301. - General.

- (a) *Authority to enforce.* The provisions of this article shall be enforced by the ~~engineering department~~Utilities and Infrastructure Services, his or her designee, or any authorized agent of the town. Whenever this section refers to the ~~engineering department~~Utilities and Infrastructure Services, it includes his or her designee as well as any authorized agent of the town.
- (b) *Violation unlawful.* Any failure to comply with an applicable requirement, prohibition, standard, or limitation imposed by this article, or the terms or conditions of any permit or other development or redevelopment approval or authorization granted pursuant to this article, is unlawful and shall constitute a violation of this article.

- (c) *Each day a separate offense.* Each day that a violation continues shall constitute a separate and distinct violation or offense.
- (d) *Responsible persons/entities.* Any owner or person who erects, constructs, reconstructs, alters (whether actively or passively), or fails to erect, construct, reconstruct, alter, repair or maintain any structure, structural or nonstructural ~~BMPSCM~~, practice, or condition in violation of this article shall be subject to the remedies, penalties, and/or enforcement actions in accordance with this section. Persons subject to the remedies and penalties set forth herein may include any architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this article, or fails to take appropriate action, so that a violation of this article results or persists; or an owner, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or development of the property on which the violation occurs.

For the purposes of this article, responsible person(s) shall include but not be limited to:

- (1) *Person maintaining condition resulting in or constituting violation.* An architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that constitutes a violation of this article, or fails to take appropriate action, so that a violation of this article results or persists.
- (2) *Responsibility for land or use of land.* The owner of the land on which the violation occurs, or any person who has control over, or responsibility for, the use, development or redevelopment of the property has responsibility for the use of that land.

(Ord. No. 07-17, § 2(Exh. A), 11-6-2007)

Sec. 8-302. - Remedies and penalties.

The remedies and penalties provided for violations of this article, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

(1) *Remedies.*

- a. *Withholding of a building permit.* The ~~engineering department~~Utilities and Infrastructure Services or other authorized agent may refuse to issue a building permit for a building or other improvements constructed or being constructed on any development site and served by the structural ~~BMPSCM~~ in question until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- b. *Withholding of certificate of occupancy.* The ~~engineering department~~Utilities and Infrastructure Services or other authorized agent may refuse to issue a certificate of occupancy for a building or other improvements constructed or being constructed on any development site and served by the structural ~~BMPSCM~~ in question until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- c. *Disapproval of subsequent permits and development approvals.* As long as a violation of this article continues and remains uncorrected, the ~~engineering department~~Utilities and Infrastructure Services or other authorized agent may withhold, and the town council may disapprove, any request for permit or development approval or authorization provided for by this article or the zoning, subdivision, and/or building regulations, as appropriate for the land on which the violation occurs.
- d. *Injunction, abatements, etc.-etc.* The ~~engineering department~~Utilities and Infrastructure Services, with the authorization of the town manager, may institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement to

correct a violation of this article. Any person violating this article shall be subject to the full range of equitable remedies provided in the General Statutes or at common law.

- e. *Correction as public health nuisance, costs as lien, etc.* If the violation is deemed dangerous or prejudicial to the public health or public safety and is within the geographic limits prescribed by North Carolina G.S. 160A-193, the ~~engineering department~~Utilities and Infrastructure Services, with the authorization of the town manager, may cause the violation to be corrected and the costs to be assessed as a lien against the property.
 - f. *Stop work order.* The ~~engineering department~~Utilities and Infrastructure Services may issue a stop work order to the person(s) violating this article. The stop work order shall remain in effect until the person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein. The stop work order may be withdrawn or modified to enable the person to take the necessary remedial measures to cure such violation or violations.
- (2) *Civil penalties.* Violation of this article may subject the violator to a civil penalty to be recovered in a civil action in the nature of a debt if the violator does not pay the penalty within 30 days after notice of the violation is issued by the Town of Holly Springs ~~Director of Engineering~~Executive Director of Utilities and Infrastructure Services or Designee and Stormwater Administrator. Civil penalties may be issued up to the full amount of penalty to which the Town of Holly Springs is subject for violations of its Phase II stormwater permit, or \$32,500.00 per day per violation.
- (3) *Criminal penalties.* Violation of this article may be enforced as a misdemeanor subject to the maximum fine permissible under North Carolina Law.

(Ord. No. 07-17, § 2(Exh. A), 11-6-2007)

Sec. 8-303. - Remedies and penalties procedures.

- (a) *Initiation/complaint.* Whenever a violation of this article occurs, or is alleged to have occurred, any person may file a written ~~complaint~~complaint, or the town may commence enforcement action on its own. Such complaint shall state fully the alleged violation and the basis thereof, and shall be filed with the ~~engineering department~~Utilities and Infrastructure Services, who shall record the complaint. The complaint shall be investigated promptly by the ~~engineering department~~Utilities and Infrastructure Services.
- (b) *Inspection.* The ~~engineering department~~Utilities and Infrastructure Services shall have the authority, upon presentation of proper credentials, to enter and inspect any land, building, structure, or premises to ensure compliance with this article.
- (c) *Notice of violation and order to correct.* When the ~~engineering department~~Utilities and Infrastructure Services finds that any building, structure, or land is in violation of this article, the ~~engineering department~~Utilities and Infrastructure Services shall notify, in writing, the property owner or other person violating this article. The notification shall indicate the nature of the violation, contain the address or other description of the site upon which the violation is occurring, order the necessary action to abate the violation, and give a deadline for correcting the violation. If civil penalties are to be assessed, the notice of violation shall also contain a statement of the civil penalties to be assessed, the time of their accrual, and the time within which they shall be paid or be subject to collection as a debt.

The ~~engineering department~~Utilities and Infrastructure Services may deliver the notice of violation and correction order by certified or registered mail, return receipt requested, or by any means authorized for the service of documents by Rule 4 of the North Carolina Rules of Civil Procedure.

If a violation is not corrected within a reasonable period of time, as provided in the notification, the ~~engineering department~~Utilities and Infrastructure Services may take appropriate action under this article to correct and abate the violation and to ensure compliance with this article.

- (d) *Extension of time.* A person who receives a notice of violation and correction order, or the owner of the land on which the violation occurs, may submit to the ~~engineering department~~Utilities and Infrastructure Services a written request for an extension of time for correction of the violation. On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the person requesting the extension, the ~~engineering department~~Utilities and Infrastructure Services may extend the time limit as is reasonably necessary to allow timely correction of the violation, up to, but not exceeding 60 days. The ~~engineering department~~Utilities and Infrastructure Services may grant 30-day extensions in addition to the foregoing extension if the violation cannot be corrected within the permitted time due to circumstances beyond the control of the person violating this article. The ~~engineering department~~Utilities and Infrastructure Services may grant such extensions only by a written notice of extension. The notice of extension shall state the date prior to which correction shall be made, after which the violator will be subject to the penalties described in the notice of violation and correction order.
- (e) *Enforcement after time to correct.* After the time has expired to correct a violation, including any extension(s) if authorized by the ~~engineering department~~Utilities and Infrastructure Services, the ~~engineering department~~Utilities and Infrastructure Services shall determine if the violation is corrected. If the violation is not corrected, the ~~engineering department~~Utilities and Infrastructure Services may act to impose one or more of the remedies and penalties authorized by this article.
- (f) *Emergency enforcement.* If delay in correcting a violation would seriously threaten the effective enforcement of this article or pose an immediate danger to the public health, safety, or welfare, then the ~~engineering department~~Utilities and Infrastructure Services may order the immediate cessation of a violation. Any person so ordered shall cease any violation immediately. The ~~engineering department~~Utilities and Infrastructure Services may seek immediate enforcement, without prior written notice, through any remedy or penalty authorized by this article.

(Ord. No. 07-17, § 2(Exh. A), 11-6-2007)

Secs. 8-304—8-320. - Reserved.

DIVISION 6. - DEFINITIONS

Sec. 8-321. - Terms defined.

When used in this article, the following words and terms shall have the meaning set forth in this section, unless other provisions of this article specifically indicate otherwise.

Basin model. Engineering hydraulic and hydrologic models performed to calculate discharges and water surface elevations as required by the ~~director of engineering~~Executive Director of Utilities and Infrastructure Services.

Built-upon area. That portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. "Built-upon area" does not include a wooden slatted deck, the water area of a swimming pool, or ~~other material defined as pervious per the NCDEQ Minimum Design Criteria (MDC). pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material.~~

Concept plan. An informal site plan of a proposed subdivision, project, planned unit development or other development intended to convey the scope, content and nature of a proposed development, but lacking sufficient detail to determine compliance with UDO requirements.

Consultation meeting. The concept plan review meeting held in the development review process as outlined in DPM Section 1.01.

Design manual. The stormwater design manual developed by the town and approved by ~~DENRNCDEQ~~ as at least as stringent as the stormwater design manual approved for use in Phase II jurisdictions by ~~DENRNCDEQ~~ for the proper implementation of the requirements of the federal Phase II stormwater program for the town. The design manual is Section 8 of the Town of Holly Springs Engineering Design Standards and Specifications. All references herein to the design manual are to the latest published edition or revision.

Development. Any land disturbing activity for which a Town of Holly Springs Land Disturbance Permit is required is considered a development in the context of this article.

Development petition. Any petition or review process required by this UDO prior to the issuance of a UDO permit, including but not limited to petitions for: zoning map changes; variances of development standards; special exception uses; master plans or preliminary plans for subdivisions; final plats; vacations of land in a recorded plat; or, development plans.

Development Procedures Manual (DPM). The Town of Holly Springs Development Procedures Manual.

Director of engineering~~Executive Director of Utilities and Infrastructure Services.~~ The Director [Director] of the Town of Holly Springs ~~Engineering Department~~Utilities and Infrastructure Services.

Drainage ~~easement~~easement. See private drainage easement.

Flood study. Engineering flood studies performed to calculate discharges and water surface elevations as required by the ~~director of engineering~~Executive Director of Utilities and Infrastructure Services.

Impervious area. An impervious area is an area of hardened surface (concrete, rooftop, asphalt, compacted gravel, etc.) that does not absorb stormwater. Impervious surface areas cause increased pollutant loading, increased volume and rate of stormwater runoff, lower stream base flows, and decreased infiltration of stormwater into the soil.

~~*Common Plan of Development.* A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times and on different schedules under one common plan. The "common plan" of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities are planned to occur on a specific plot regardless of ownership of the parcels. Larger common plan of development or sale. Any area where multiple separate and distinct construction or land disturbing activities will occur under one plan. A plan is any announcement or piece of documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, permit application, zoning request, or computer design) or physical demarcation (including but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot.~~

Maintenance access ~~easement~~easement. An easement recorded on a plat that shall ensure that every structural ~~BMPSCM~~ installed pursuant to this article shall be made accessible for adequate maintenance access to public rights of way and repair by a maintenance access easement.

Maintenance ~~surety~~surety. A legally binding agreement whereby the original applicant, permit holder, or owner posts a surety in a form acceptable to the town for the operation and maintenance of structural SCMs authorized by this article.

Nonstructural ~~BMPSCM~~. Policy related approaches to stormwater management such as reduced land disturbance, stream buffer requirements, low impact development, and similar measures.

One-year, 24-hour storm. The surface runoff resulting from a 24-hour rainfall of an intensity expected to be equaled or exceeded, on average, once in 12 months and with a duration of 24 hours (and equal to 3.0 inches).

Operation and maintenance agreement. An agreement that defines the guidelines under which a structural **BMPSCM** shall be operated and maintained.

Operation & maintenance ~~manual~~-manual. ~~ANA~~ document that defines the guidelines under which a structural **BMPSCM** shall be operated and maintained including but not limited ~~to~~to frequency of inspections and inspection logs.

Owner. The legal or beneficial owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property. "Owner" shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every person or entity having joint ownership of the property. A secured lender not in possession of the property **engineering department** does not constitute an owner, unless the secured lender is included within the meaning of "owner" under another description in this definition, such as a management entity.

Performance security. A legally binding agreement whereby the owner posts a surety in a form acceptable to the town for the operation and maintenance of structural SCMs authorized by this article, any other applicable ordinances of the town, and any requirements, covenants, or conditions which may be imposed pursuant to the Town of Holly Springs UDO.

Performance ~~surety~~-surety. A legally binding agreement whereby the applicant, permit holder, or owner posts a surety in a form acceptable to the town for the installation and performance of structural SCMs authorized by this article.

Planned Unit Development (PUD) master plan. A master plan filed in connection with a zoning map change requesting a planned unit development outlined in UDO Section 5.

Private drainage ~~easement~~-easement. Documentation, approved by the town, of an enforceable restriction on property usage that runs with the land, such as recorded deed restrictions or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans.

Redevelopment. Any rebuilding activity other than a rebuilding activity that results in no net increase in built-upon area and provides equal or greater stormwater control than the previous development.

Stormwater development project improvements agreement (SDPIA)-~~L~~. An agreement that defines the guidelines under which performance surety funds will be administered.

Stormwater ~~easement~~-easement. See private drainage easement.

Stormwater facility replacement fund (SFRF)-~~L~~. A fund administered by the Town to maintain, repair or replace structural SCMs in emergency situations or after all other enforcement actions have been exhausted.

Stormwater maintenance agreement (SMA)-~~L~~. An agreement that defines the guidelines under which a structural **BMPSCM** shall be operated and maintained and establishment of the permittee's payment into the town's stormwater replacement fund.

Stormwater management ~~plan~~-plan. A plan for an applicant, developer or owner to construct, operate and maintain structural stormwater structural control measures as required pursuant to this article.

Stormwater permit. A permit granted for compliance with stormwater requirements pursuant to this article.

Stormwater permit ~~application~~-application. An application made to the town for a **stormwater approvals**stormwater approval pursuant to this article and the Phase II rules under the Clean Water Act.

Stormwater performance monitoring period (SPMP)-~~L~~. Approximately a **one-year**one-year time period starting after construction of the structural **BMPSCM** has occurred to allow for monitoring of the structural **BMPSCM** to ensure that it is performing as designed.

Structural BMPSCM. A physical device designed to trap, settle out, or filter pollutants from stormwater runoff; to alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; to approximate the pre-development hydrology on a developed site; or to achieve any combination of these goals. Structural SCMs include physical practices such as constructed wetlands, vegetative practices, filter strips, grassed swales, underground storage facilities, and other methods installed or created on real property. "Structural BMPSCM" is synonymous with "structural practice", "stormwater control facility," "stormwater control practice," "stormwater treatment practice," "stormwater management practice," "stormwater control measures," "structural stormwater treatment systems," and similar terms used in this article.

Subdivision. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations of this UDO pertaining to preliminary plan approval:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this UDO;
- (2) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets;
- (4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the UDO;
- (5) A division of land into cemetery plots for the purpose of burial; and
- (6) A division of a lot of record, which is or may be legally developed with a two-family dwelling or a multifamily dwelling, into sub-lots for the purpose of transfer of ownership of the individual dwelling units and their associated portion of the lot of record, provided that no additional development sites are created by the division and that no sublots are created which do not contain a dwelling unit.

Substantial progress. For the purposes of determining whether sufficient progress has been made on an approved plan, one or more of the following construction activities toward the completion of a site or subdivision plan shall occur: obtaining a grading permit and conducting grading activity on a continuous basis and not discontinued for more than 30 days; or installation and approval of on-site infrastructure; or obtaining a building permit for the construction and approval of a building foundation. "Substantial progress" for purposes of determining whether an approved plan is ~~null and void~~, and void is not necessarily the same as "substantial expenditures" used for determining vested rights pursuant to applicable law.

Unified Development Ordinance (UDO). The Unified Development Ordinance of the Town of Holly Springs.

(Ord. No. 07-17, § 2(Exh. A), 11-6-2007; Ord. No. 11-10, pt. 3, 12-20-2011)

Secs. 8-322—8-339. - Reserved.

ARTICLE VI. - NPDES PHASE II STORMWATER ILLICIT DISCHARGE AND CONNECTION STORMWATER

DIVISION 1. - GENERAL PROVISIONS

Sec. 8-340. - Title.

This article shall be officially known as "The NPDES Phase II Stormwater Illicit Discharge Detection and Elimination Ordinance." It is referred to herein as "this article."

(Ord. No. 08-09, § 2(Exh. A), 12-16-2008)

Sec. 8-341 - Purpose.

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the Town of Holly Springs through the regulation of nonstormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This article establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this article are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user;
- (2) To prohibit illicit connections and discharges to the municipal separate storm sewer system;
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this article.

(Ord. No. 08-09, § 2(Exh. A), 12-16-2008)

Sec. 8-342. - Applicability and jurisdiction.

This article shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the Town of Holly Springs.

(Ord. No. 08-09, § 2(Exh. A), 12-16-2008)

Sec. 8-343. - Responsibility for administration.

The Town of Holly Springs Department of Engineering shall administer, implement, and enforce the provisions of this article. Any powers granted or duties imposed upon the town may be delegated in writing by the ~~director of engineering~~Executive Director of Utilities and Infrastructure Services to persons or entities acting in the beneficial interest of or in the employ of the town.

(Ord. No. 08-09, § 2(Exh. A), 12-16-2008)

Sec. 8-344. - Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this article are minimum standards; ~~therefore~~therefore, this article does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

(Ord. No. 08-09, § 2(Exh. A), 12-16-2008)

Sec. 8-345. - Discharge prohibitions.

- (a) *Prohibition of illegal discharges.* No person shall discharge into the MS4, any place which may lead into the MS4, or watercourses anything other than stormwater, potable water, or approved re-use water. Any illegal discharge to the storm drain system is prohibited except as described as follows:

- (1) The following are authorized ~~nonstormwater~~ stormwater discharges that are exempt from discharge prohibitions established by this article: water line flushing or from other potable water sources, landscape irrigation or lawn watering (does not include reclaimed water as described in 15ANCAC 2H .0200), diverted stream flows, rising ground water, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), water from crawl space pumps, air conditioning condensation (commercial/residential), springs, noncommercial washing of vehicles (residential and charity car washing), natural riparian habitat or wet-land flows, dechlorinated swimming pools, street wash water, or fire-fighting activities. Wash water from the cleaning of exterior of buildings, including gutters, provided that the discharge does not pose an environmental or health threat.
 - (2) Discharges specified in writing by the town as being necessary to protect public health and safety.
 - (3) Dye testing is an allowable discharge, but requires a notification in writing to the director at least 24 hours prior to the time of the test.
 - (4) The prohibition shall not apply to any nonstormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.
 - (5) If any of the above illicit discharge exceptions are found to be polluted and may therefore negatively impact the quality of the waters of the state, the polluted illicit discharge exception shall be deemed unlawful and shall not be discharged into the MS4. These conditions shall be determined by the director. These polluted illicit discharges, though listed as an exception above, shall be regulated as an illicit connection or discharge.
- (b) *Prohibition of illicit connections.*
- (1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
 - (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - (3) A person is considered to be in violation of this article if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.
 - (4) Improper connections in violation of this article must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the director.
 - (5) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the director requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the director.

(Ord. No. 08-09, § 2(Exh. A), 12-16-2008)

Sec. 8-346. - Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(Ord. No. 08-09, § 2(Exh. A), 12-16-2008)

Sec. 8-347. - Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the director prior to allowing of discharges to the MS4. The operator of a facility, including construction sites, required to have an NPDES permit to discharge stormwater associated with industrial activity shall submit a copy of the notice of intent (NOI) to the director at the same time the person submits the original NOI to the EPA as applicable. The copy of the NOI may be provided during the applicable stage of the town's development review process. A person commits an offense if the person operates a facility that is discharging stormwater associated with industrial activity without having submitted a copy of the NOI to do so to the director.

(Ord. No. 08-09, § 2(Exh. A), 12-16-2008)

DIVISION 2. - ADMINISTRATION AND PROCEDURES

Sec. 8-348. - Compliance monitoring.

- (a) *Access to facilities, right of entry, inspection and sampling.* The town shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article.
- (1) If a discharger has security measure enforcements which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the town.
 - (2) Facility operators shall allow the town ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
 - (3) The town shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the director to conduct monitoring and/or sampling of the facility's stormwater discharge.
 - (4) The town has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
 - (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the town and shall not be replaced. The costs of clearing such access shall be borne by the operator.
 - (6) Unreasonable delays in allowing the town access to a permitted facility is a violation of a stormwater discharge permit and of this article. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if

the person denies the town reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this article.

- (b) *Search warrants.* If the director has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the director may seek issuance of a search warrant from any court of competent jurisdiction.

(Ord. No. 08-09, § 2(Exh. A), 12-16-2008)

Sec. 8-349. - Requirement to prevent, control, and reduce stormwater pollutants by the use of structural control measures.

The town will adopt requirements identifying structural control measures (SCMs) for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the state. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural SCMs. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural SCMs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These SCMs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

(Ord. No. 08-09, § 2(Exh. A), 12-16-2008)

Sec. 8-350. - Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the director in person, by phone, by facsimile, or by email no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the town within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

(Ord. No. 08-09, § 2(Exh. A), 12-16-2008)

DIVISION 3. - VIOLATIONS, ENFORCEMENT AND PENALTIES

Sec. 8-351. - Violations.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. Any person who has violated or continues to violate the provisions of this article, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

In the event the violation constitutes an immediate danger to public health or public safety, the director is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. Director is authorized to seek costs of the abatement as outlined in section 8-395.

(Ord. No. 08-09, § 2(Exh. A), 12-16-2008)

Sec. 8-352. - Warning notice.

When the director finds that any person has violated, or continues to violate, any provision of this article, or any order issued hereunder, the director may serve upon that person a written warning notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the warning notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the warning notice. Nothing in this subsection shall limit the authority of the town to take any action, including emergency action or any other enforcement action, without first issuing a warning notice.

(Ord. No. 08-09, § 2(Exh. A), 12-16-2008)

Sec. 8-353. - Notice of violation.

Whenever the director finds that a person has violated this article, the director shall notify the person in writing by registered or certified mail, personal service or posting of the notice of violation (NOV) at the facility where the alleged violation occurred. The NOV shall contain:

- (1) The name and address of the alleged violator;
- (2) The address when available or a description of the facility, building or structure or land upon which the violation is occurring, or has occurred;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to restore compliance with this article and a time schedule for the completion of such remedial action. Remedial actions may include but are not limited to: Installing equipment or perform testing necessary to monitor, analyze and report on the condition of the user's storm drainage system; eliminating illicit connections or discharges; cease and desist all violating discharges, practices or operations; abate or remedy the stormwater pollution or contamination hazards and restore any affected property; implement source control or treatment SCMs; pay a civil penalty;
- (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the NOV is directed;
- (6) A statement that the determination of violation may be appealed by filing a written notice of appeal as outlined in Chapter 8, Article VII of the Town's Code of Ordinances. In the absence of an appeal, the order or violation of the ~~engineering department~~ Utilities and Infrastructure Services shall be final.
- (7) A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator collected pursuant to section 8-359 of this article.

(8) Refusal to accept the NOV shall not relieve the user of the obligations set forth herein.

(Ord. No. 08-09, § 2(Exh. A), 12-16-2008; Ord. No. 10-03, pt. 7, 5-4-2010)

Sec. 8-354. - ~~Compensatory~~Compensatory action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this article, the director may impose upon a violator alternative compensatory actions, such as storm drain marking, attendance at compliance workshops, creek cleanup, etc.

(Ord. No. 08-09, § 2(Exh. A), 12-16-2008)

Sec. 8-355. - Suspension of MS4 discharge access.

(a) *Emergency cease and desist orders.* When the director finds that any person has violated, or continues to violate, any provision of this article, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the director may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:

- (1) Immediately comply with all ordinance requirements.
- (2) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

Any person notified of an emergency order directed to it under this subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the town may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States, and/or endangerment to persons or to the environment, including issuance of an emergency suspension order or immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The town may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the director that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this article. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the director within 30 days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

(b) *Suspension due to illicit discharges in emergency situations.* The director may, without prior notice, issue an emergency suspension order to suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the state. If the violator fails to comply with a suspension order issued in an emergency, the town may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the state, or to minimize danger to persons.

(c) *Suspension due to the detection of illicit discharge (nonemergency).* Any person discharging to the MS4 in violation of this article may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The town will notify a violator of the proposed termination of its MS4 access with the issuance of a suspension order. The violator may petition the director for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the town.

(d) *Civil penalties.*

- (1) Illicit discharges: Any user or other person, including, but not limited to, a designer, contractor, agent or engineer, who, either directly or indirectly, allows, participates in, or directs an illicit discharge shall be subject to civil penalties as follows:
 - a. *Yard waste and household products less than five gallons:* except as permitted under section 8-06, first time offenders who discharge into the MS4 yard waste of five gallons or less of domestic or household products, where the quantity actually discharged is considered ordinary for household purposes shall be assessed a Category I civil penalty in an amount set forth in the schedule of civil penalties. Each day's continuing violation shall constitute a separate and distinct offense for the purpose of assessing a civil penalty.
 - b. *Household products greater than five gallons and nonhousehold products:* First time offenders who discharge into the MS4 more than five gallons of domestic or household products, who discharge substances generally not used in a home, including but not limited to process waste water, or who cannot provide clear and convincing evidence of the volume and nature of the substance discharged, shall be assessed a Category II civil penalty. Each day's continuing violation shall constitute a separate and distinct offense for the purpose of assessing a civil penalty.
 - c. *Waste products, bulk sales, and unknown volume:* First time offenders who discharge into the MS4 any substance that is a byproduct of a commercial or industrial process, any substance that was purchased at a bulk sales location, or a discharge of an unknown volume and nature shall be assessed a Category III civil penalty. Each day's continuing violation shall constitute a separate and distinct offense for the purpose of assessing a civil penalty.
 - d. *Repeat offenders:* A user who discharges into the MS4 in violation of this article more than once within a 12-month period, shall be assessed a civil penalty at one category level higher than the category assessed for a ~~first-time~~[first-time](#) offender of the substance discharged. Each day's continuing violation shall constitute a separate and distinct offense for the purpose of assessing a civil penalty.
- (2) Illicit connections: Any user found with an illicit connection and any other person, including, but not limited to, a designer, engineer, contractor, or agent who allows, acts, participates, directs or assists directly or indirectly in the establishment of an illicit connection shall be subject to civil penalties as follows:
 - a. First time offenders shall be assessed a Category II civil penalty in an amount set forth in the schedule of civil penalties. Each day's continuing violation shall constitute a separate and distinct offense for the purpose of assessing a civil penalty.
 - b. A user or person who is found to have violated subsection ~~(2)a-2~~ [a](#), more than once within a 12-month period shall be assessed a Category III civil penalty in an amount set forth in the schedule of civil penalties. Each day's continuing violation shall constitute a separate and distinct offense for the purpose of assessing a civil penalty.
- (3) In the event the town is fined by the state or federal governments resulting from an illicit discharge or connection made by a user or other person, the user or other person at fault shall reimburse the town for the full amount of the civil penalty assessed by the state and/or federal governments as well as for the abatement costs incurred by the director during the investigation and restoration process pursuant to subsection c. below.
- (4) Civil penalties collected pursuant to this article shall be used or disbursed as directed by law.
- (5) Any civil penalty assessed above shall be increased by 25 percent if the violation of this article occurs within the primary watershed protection overlay district.

(6) Schedule of civil penalties. The following civil penalties shall be imposed, up to the amount shown for each category, upon the user or person found to have violated this article. In determining the amount of the penalty, the director shall consider:

- a. The degree and extent of harm to the environment, public health and public and private property.
- b. The cost of remedying the damage.
- c. The duration of the violation.
- d. Whether the violation was willful.
- e. The prior record of the person responsible for the violation in complying with this article.
- f. The town's enforcement ~~costs~~costs, and the amount of money saved by the violator through his, her or its noncompliance.

1. Category I: Civil penalty not to exceed \$100.00 per day per violation.

Note: In lieu of a civil penalty for ~~first~~first time offenders, the director may impose upon a violator, alternative compensatory actions, such as storm drain stenciling, creek cleanup, etc.

2. Category II: Civil penalty not to exceed \$500.00 per day per violation.
3. Category III violation: Civil penalty not to exceed \$1,000.00 per day per violation.

(Ord. No. 08-09, § 2(Exh. A), 12-16-2008)

Sec. 8-356. - Criminal prosecution.

Any person that has violated or continues to violate this article shall be liable for criminal prosecution as a Class 1 Misdemeanor pursuant to N.C.G.S. §§ 160A-175 and 14-3 to the maximum extent.

The town may recover all attorneys' fees court costs and other expenses associated with enforcement of this article, including sampling and monitoring expenses.

(Ord. No. 08-09, § 2(Exh. A), 12-16-2008)

Sec. 8-357. - Appeal of notice of violation or order.

Any person receiving a notice of violation or civil penalty may appeal the order, violation, or penalty within ten days from notification by filing a petition for appeal as outlined in Chapter 8, Article VII of the Town's Code of Ordinances. In the absence of an appeal within ten working days from notification, the order, violation, or penalty of the ~~engineering department~~Utilities and Infrastructure Services shall be final.

(Ord. No. 08-09, § 2(Exh. A), 12-16-2008; Ord. No. 10-03, pt. 7, 5-4-2010)

Sec. 8-358. - Enforcement measures after appeal.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 30 days of the decision of the municipal authority upholding the decision of the director, then representatives of the director shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the town or designated contractor to enter upon the premises for the purposes set forth above.

(Ord. No. 08-09, § 2(Exh. A), 12-16-2008)

Sec. 8-359. - Recovery of costs and fines.

As authorized by N.C.G.S. 160A-193, the offender shall be liable to the director for the civil penalty. All costs incurred by the town while enforcing this article, including but not limited to abatement costs, remedying the damage caused by the illicit discharge, restoring the facility, sampling, clean-up, the department's administrative costs, costs of court, and costs of litigation, to include reasonable attorney's fees. Within 30 days after the department has completed its abatement of the violation, restoration of the facility and/or its investigation and inspection, the violating user or person will be notified of the department total costs and the civil penalty, if any. The total amount due shall be paid within 30 days of the date of notice. If the amount due is not paid within 30 days, the charges shall constitute a lien on the land or premises where the nuisance occurred. A lien established pursuant to this subsection shall have the same priority and be collected as unpaid ad valorem taxes. The total amount due is also a lien on any other real property owned by the user within the town limits or within one mile of the town limits, except for the person's primary residence. A lien established pursuant to this subsection is inferior to all prior liens and shall be collected as a money judgment. The user may avoid the lien on any other real property owned by the user within the town limits or within one mile of the town limits only if the user can show that the actual or threatened discharge was created solely by another person. In the event that the user is able to pass the liability onto another person, the other person shall be liable to the town pursuant to this section.

(Ord. No. 08-09, § 2(Exh. A), 12-16-2008)

Sec. 8-360. - Public nuisance and injunctive relief.

The violation of this article is a public nuisance in that it is a threat to the public health, safety, and welfare. If a person has violated or continues to violate the provisions of this article, the director may petition for a preliminary injunction, permanent injunction, restraining order, or any other legal or equitable remedy available for the abatement of the nuisance and any remediation, including attorney's fees.

(Ord. No. 08-09, § 2(Exh. A), 12-16-2008)

Sec. 8-361. - Remedies not exclusive.

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the director to seek cumulative remedies.

(Ord. No. 08-09, § 2(Exh. A), 12-16-2008)

DIVISION 4. - DEFINITIONS

Sec. 8-362. - Terms defined.

When used in this article, the following words and terms shall have the meaning set forth in this section, unless other provisions of this article specifically indicate otherwise.

Authorized enforcement agency. The Town of Holly Springs or another local, state or federal agency that have the ability to permit discharges.

Authorized nonstormwater discharges. Sources of nonstormwater that are conditionally allowed into the storm drain system under the industrial activities stormwater general permit.

Structural control measures (SCMS). Schedules of activities, prohibitions of practices, general good house-keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. SCMs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction activity. Activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Department. The Town of Holly Springs Department of [Engineering, Utilities and Infrastructure Services](#)

Development review process. The review processes outlined in the current version of the Town of Holly Springs Development Procedures Manual.

Determination of violation. The [engineering department Utilities and Infrastructure Services's Services'](#) identification of persons in violation of the Engineering Design and Construction Standards, the approved stormwater management plan or this article.

Director. The Director of the Town of Holly Springs, [Engineering Department Utilities and Infrastructure Services](#), or his/her designee.

Discharger. A person or user that operates a facility that is discharging stormwater associated with industrial activity (including construction activities).

Facility. Any land use including, but not limited to, commercial, industrial and residential land uses, and any other source including but not limited to, motor vehicles and rolling stock that directly or indirectly contribute, cause or permit the contribution of any discharge, illicit or otherwise, to the MS4.

Hazardous materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial presence or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal discharge. Any direct or indirect nonstormwater discharge to the storm drain system, except as exempted in section 8.345(A)(1) of this article.

Illicit connections. An illicit connection is defined as either of the following: any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any nonstormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the town or an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the town or an authorized enforcement agency.

Industrial activity. Activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26 (b)(14).

Municipal authority. The Town of Holly Springs.

Municipal separate storm sewer system (MS4). Any pipe, ditch or gully, or system of pipes, ditches, or gullies, that is owned or operated by a governmental entity and used for collecting and conveying stormwater.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit. A permit issued by EPA (or by a state under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the

discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Nonstormwater discharge. Any discharge to the storm drain system that is not composed entirely of stormwater.

Notice of appeal for determination of a violation, a document sent to the attention of the ~~director of engineering~~Executive Director of Utilities and Infrastructure Services by the person to appeal the notice of violation or other order of this article.

Notice of appeal. A document sent to the attention of the director by the person to appeal the notice of violation or other order of this article.

Notice of intent (NOI). A form sent to the North Carolina Division of Water Quality to initiate the implementation of stormwater pollution prevention plan requirements as specified in the state's general industrial permit.

Notice of violation (NOV). A document which is issued by the director to notify the operator, person or user that an illegal discharge or illicit connection has been identified and that it is in violation of this article.

Operator. A person or user that operates a facility that is discharging stormwater associated with industrial activity (including construction activities).

Person. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm drainage system. Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater pollution prevention plan (SPPP). A document which describes the structural control measures and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Suspension order. A document which is issued by the director to suspend discharge access into the MS4 in the event of an illicit discharge caused by either an emergency situation or detection of an illicit discharge.

Town. The Town of Holly Springs.

Town council. The Town of Holly Springs Town Council.

Town. The Town of Holly Springs Town Manager.

User. Any person who owns real property on which a facility is owned.

Violator. Any person or user who is in violation of this article.

Warning notice. A document which is issued by the director requiring a person or user to investigate the possible violation of the ordinance.

Wastewater. Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Watercourse. Any channel, ditch, gully, swale, or stream, which sole purpose is to convey the flow of water.

Waters of the state. All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of North Carolina or any portion thereof.

Waters of the United States. All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of North Carolina or any portion thereof.

(Ord. No. 08-09, § 2(Exh. A), 12-16-2008; Ord. No. 10-03, pt. 7, 5-4-2010)

Secs. 8-363—8-387. - Reserved.

ARTICLE VII. - STORMWATER MANAGEMENT PROGRAM ENTERPRISE FUND⁽⁴⁾

Footnotes:

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Editor's note— Ord. No. 14-02, § 1, adopted June 3, 2014, set out provisions for use herein as art. VII, §§ 8-388—8-398, and § 2 renumbered the existing art. VII, §§ 8-388—8-395 as art. VIII, §§ 8-411—8-418.

Sec. 8-388. - Purpose.

A stormwater management program enterprise fund is hereby created as an identified fiscal and accounting fund for the purpose of comprehensively addressing the stormwater management program needs of the town. The town's stormwater management needs are met:

- (1) Through programs designed to protect and manage water quality and quantity by controlling the level of pollutants in stormwater runoff, and the quantity and rate of stormwater received and conveyed by structural and natural stormwater and drainage systems of all types;
- (2) By establishing a schedule of charges;
- (3) By defining the control, collection and disbursement of funds; and
- (4) By setting forth penalties, methods of appeals and exemptions.

(Ord. No. 14-02, § 1, 6-3-2014)

Sec. 8-389. - Authority.

This article is adopted pursuant to the authority granted to the town by G.S. 160A-314.

(Ord. No. 14-02, § 1, 6-3-2014)

Sec. 8-390. - Definitions.

Customer means a person(s), property owner, or entity to which the stormwater management program fee is billed and/or receives a bill from town for other services provided by the town.

Customer, ~~large non-residential~~, means a non-residential property, or portion of property, containing ~~75,001 square feet or greater~~ impervious area.

Customer, ~~medium non-residential~~, means a non-residential property, or portion of property, containing ~~impervious area between 10,001 square feet and 75,000 square feet~~.

Customer, residential, means a non-commercial single-family use.

Customer, ~~small non-residential~~, means a non-residential property, or portion of property, containing ~~less than 10,000 square feet~~ impervious area.

Developed property means real property which has been altered from its natural state by the addition and attachment of any improvements such as buildings, structures or other impervious surfaces.

Director means the ~~director of engineering~~ Executive Director of Utilities and Infrastructure Services or designee.

Drainage means the flow of stormwater runoff into a conveyance.

Drainage system means natural and structural channels, swales, ditches, swamps, rivers, streams, creeks, wetlands, branches, reservoirs, ponds, drainage ways, inlets, catch basins, gutters, pipes, culverts, bridges, head walls, storm sewers, lakes, and other physical works, properties, and improvements that transfer, control, convey or otherwise influence the movement of stormwater runoff.

Easement means a grant of rights by a property owner to a portion of land for a specified purpose as defined in a recorded deed, as delineated on a recorded plat, or as established in another legal document.

Equivalent residential unit (ERU) for the purposes of this chapter, means 2,9303.600 square feet of impervious surface, which is the average amount of impervious surface within and/or on an average single-family property in the town.

Exemption means not applying or removing the application of the stormwater management program fee service charge from a property. No permanent exemption shall be granted based on taxable or nontaxable status or economic status of the property owner.

Impervious area means the amount of impervious surface on a property.

Impervious surface means areas within developed land which prevent or significantly impede the infiltration of stormwater into the soil. Common impervious surfaces include, but are not limited to: roof tops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, brick or concrete pavers, and other surfaces which prevent or significantly impede the natural infiltration of stormwater into the soil.

Improved property means developed land that has 600 square feet or greater impervious surface.

National pollutant discharge elimination system (NPDES) means a permitting system established by Section 402 of the Clean Water Act et seq. Federal law reference: National Pollutant Discharge Elimination System Permits, 33 USC Section 1342. NPDES phase II stormwater discharge permits are issued by the state under delegation from the EPA for discharges directly to the surface waters of the state pursuant to G.S. 143-215.1.

Non-residential developed land means all non-residential land uses including, but not limited to, churches, institutional buildings, whether public or private; hospitals, rest homes, public and private schools, colleges and universities, institutionally-owned fraternity and sorority houses, dormitories, commercial, office, hotels and motels, industrial buildings, bona fide farms, storage areas, parking lots, and land containing non-residential improvements under construction or other impervious surfaces.

Property owner or owner means the owner of a parcel of land as shown on the county tax records.

Revenues means all fees, charges, penalties, or other income received by the stormwater management program enterprise fund, including but not limited to amounts received from the investment or deposit of monies into any fund or account, and all amounts received as gifts or donations, and the proceeds from the sale of bonds to finance the stormwater management program, or any other type of funds derived from grants, fees or loans which by purpose or effect relate to stormwater management activities.

Stormwater means the runoff from precipitation that travels over natural or developed surfaces to the nearest stream, other conduit, or impoundment and appears in lakes, rivers, ponds, or other bodies of water.

Stormwater management program means the various methods employed by the town to manage stormwater and comply with its NPDES phase II stormwater discharge permit.

Stormwater management program fee means the monthly monetary amount charged each parcel of real property for the services provided by the stormwater management program as set forth in the town schedule of rates and fees, a copy of which is located in the office of the town clerk and is incorporated by reference herein.

Undeveloped land shall mean all land that is not altered from its natural state to an extent that results in 600 or more square feet of impervious surface area.

(Ord. No. 14-02, § 1, 6-3-2014)

Sec. 8-391. - Establishment of the stormwater management program enterprise fund.

The town council hereby establishes a town stormwater management program enterprise fund for the purpose of dedicating and protecting funding to carry out the responsibilities of the stormwater management program. This includes but is not limited to, fees, charges, and penalties as may be established, after due notice and a public hearing by the town council for stormwater management program enterprise fund. Funding may also include other funds transferred or allocated to the stormwater management program enterprise fund by the town council. All revenues and receipts of the stormwater management program shall be placed in the stormwater management program enterprise fund and the expenses of the stormwater management program shall be paid from the stormwater management program enterprise fund. This article shall apply to all property within the corporate limits of the Town of Holly Springs and all properties that connect to the Town's Municipal Separate Storm Sewer System (MS4).

Sec. 8-392. - Interpretation and administration of this article.

The ~~director of engineering~~Executive Director of Utilities and Infrastructure Services or designee shall be responsible for the interpretation and administration of this article that includes but is not limited to the calculation of fees, adjustments, and other interpretations as necessary with the exception of billing and collection of fees as described in this article.

(Ord. No. 14-02, § 1, 6-3-2014)

Sec. 8-393. - Impervious surface and equivalent residential unit (ERU).

- (a) Impervious surface area is an improvement on any part of land that prevents or significantly impedes the infiltration of stormwater into the soil. By way of example and not limitation, typical impervious surface areas include roofs, sidewalks, walkways, patios, private driveways, parking lots, access extensions, alleys and other paved, engineered, compacted or gravel surfaces containing materials that prevent or significantly impede the natural infiltration of stormwater into the soil. Open bodies of water, a wooden slatted deck, the water area of a swimming pool, or other material defined

~~as pervious per the NCDEQ Minimum Design Criteria (MDC) are not considered impervious surfaces for the purpose of this article. swimming pools, properly approved and installed porous pavers/concrete and slatted decks are not considered impervious surfaces for the purpose of this article.~~

- (b) The amount of impervious surface area of real property is a key factor in the peak rate of stormwater runoff and the pollutant loadings of stormwater runoff discharged to the structural and natural drainage systems and facilities. Therefore, the amount of impervious surface area shall be the primary parameter for establishing the rate structure to distribute the cost of the program through a schedule of rates, fees, charges and/or penalties, to all property owners and/or customers that own or occupy improved property.
- (c) For the purpose of non-residential development an equivalent residential unit (ERU) has been established based upon an analysis of average residential unit impervious surface throughout the town. The ERU has been determined to be equivalent to 2,930~~3,600~~ square feet of impervious surface based on a statistically significant sampling of detached single-family residential parcels in the town.

(Ord. No. 14-02, § 1, 6-3-2014)

Sec. 8-394. - Stormwater management program fee rate schedules.

- (a) ~~The monthly charges for town stormwater management program fee services shall vary according to the type or size of the parcel. Each single family residence shall have the same rate, and non-residential parcels shall be in one of three tiers: Small (<10,000 square foot of impervious surface); Medium (10,000 square feet to 75,000 square feet of impervious surface); and Large (>75,000 square feet of impervious surface.) The rate schedule for town stormwater services shall be published in the town's annual budget, described as follows: billed according to the number of Equivalent Residential Units (ERUs), or portion of ERU, present on the parcel, as determined by analysis of impervious surface. For example, a non-residential parcel containing 10,000 square feet of impervious surface would be charged at a rate 4 ERUs, based upon an ERU of 2,930 square feet.~~
 - (1) ~~Residential customer.~~
 - (2) ~~Small non-residential customer.~~
 - (3) ~~Medium non-residential customer.~~
 - (4) ~~Large non-residential customer.~~
- (b) Rates for anysmall non-residential customer shall be equal to or greater than the residential customer rate.
- (c) Other fees, charges and penalties may be adopted from time to time by the town council incidental to the purposes of stormwater management program as provided in G.S. 160A-314.
- (d) Rates shall be set annually by the town budget officer in the amount to ensure that the total fees collected by the town through the stormwater management program fee do not exceed the cost of providing the stormwater management program.

(Ord. No. 14-02, § 1, 6-3-2014)

Sec. 8-395. - Stormwater management program fee billing and collection.

- (a) Payment for stormwater management program fees, charges, and penalties are the obligation of the property owner and/or the paying customer for town services. If an improved parcel has a utility customer account established through the town's utility billing system that customer shall be the responsible party for payment of the fees and/or penalties established in this article, and shall be

billed accordingly on a monthly basis for recurring fees. In the event that no such utility customer account exists, the record owner of the parcel shall be billed by the town for payment on a monthly or yearly basis.

- (b) Bills for stormwater management program fee shall be sent at the same frequency as the town's utility billing. Billing and collection of stormwater management program fees, charges, and penalties shall be administered by the directors of engineering and finance departments or their designee, who is hereby authorized to develop policies and procedures to effectuate the purpose and intent of this section. Stormwater management program fees, charges, and penalties may be billed on a combined bill that also contains charges for water, sewer and/or any other town services. Improved property that does not receive bills for other town services shall receive a stormwater management program fee shall be sent at regular, periodic intervals to the property owner and/or customer.
- (c) The town shall invoice/bill stormwater management program fees, charges, and penalties in the following manner. Additional policies concerning billing will be developed by the director of finance.
 - (1) For property owners and/or customers that receive a water, sewer, or other service fee bill from the town, the stormwater management program fees, charges, and penalties will be added to that bill.
 - (2) For non-residential property owners and/or customers that share a water meter with other customers, the stormwater management program fee for each customer shall be added to the bill for the shared water meter. Commonly used areas of the property (such as parking lots or parks) shall be billed separately to the property owner under the non-residential rate.
 - (3) ~~Property owners and/or customers that own or occupy il~~Improved residential properties such as townhouses, apartments, cluster unit, and condominium developments and other similar properties containing impervious surface in common ownership shall be charged as a ~~non-residential~~ customer on the water, sewer, or other service fee bill from the town. The total impervious surface of all commonly owned property within the development shall be charged under the non-residential rate and shall be billed to the property ~~owner, as well.~~
 - (4) Stormwater management program fees, charges and penalties for properties that do not receive a bill for town services other than stormwater management program services shall be sent to the record property owner according to the county tax records.
- (d) Failure to pay the stormwater management program fee within 30 days subjects the customer or property owner to a \$25.00 fine for each 30 days the bill is outstanding. Failure of a utility customer to satisfy the fine and outstanding balance shall subject the customer to a discontinuation in service. Delinquent stormwater management program fees, penalties, or late penalties shall be collected in the same manner as property taxes pursuant to G.S. 160A-314(a)(4) and may constitute a lien on real property.
- (e) If a property owner disputes the stormwater management program fee charges assessed to that owner's property, that owner must first attempt to resolve the dispute with the town ~~engineering department~~Utilities and Infrastructure Services within 30 days of fee assessment. Using the information provided, the ~~director of engineering~~Executive Director of Utilities and Infrastructure Services or designee shall conduct a technical review pursuant to good engineering practices. Following such review, the ~~director of engineering~~Executive Director of Utilities and Infrastructure Services may adjust the stormwater management program fee or service charge so long as the adjustment is in conformance with the general purpose and intent of this section. At the conclusion of the review, the ~~director of engineering~~Executive Director of Utilities and Infrastructure Services or designee shall issue a written determination stating whether an adjustment to the stormwater management program fee or service charge is appropriate, and if so, the percentage of such adjustment. Any approved adjustments must be communicated in writing to the town's finance department.
- (f) If any property owner wishes appeal of disputed bills and adjustment determinations made by the ~~director of engineering~~Executive Director of Utilities and Infrastructure Services for the stormwater management program fee billing or any other fees, charges, or penalties adopted pursuant to this

Commented [DC1]:

article, that citizen must submit a written appeal within 30 days of receipt of the billing, stating the reasons for the appeal, and providing information pertinent to the calculation of the billed charge. The appeal shall be filed with the town environmental appeal committee shall make the final ruling on the validity of the appeal as outlined in article VII., environmental appeal and variance.

(Ord. No. 14-02, § 1, 6-3-2014)

Sec. 8-396. - Disposition and application of fees.

Stormwater management program fee and fee revenues shall be assigned and dedicated solely to the stormwater management program enterprise fund in the town budget and accounting system, which shall be and remain separate from other funds, and shall be used only to fund stormwater management program activities identified in the annual budget. The fees paid to and collected by the town by virtue of the provision of this article shall not be used for general or other governmental or proprietary purposes of the town, except to pay for costs incurred by the town in rendering services associated with the stormwater management program.

(Ord. No. 14-02, § 1, 6-3-2014)

Sec. 8-397. - Credits and exemptions.

Except as provided in this article, there shall be no exception, credit, offset, or other reduction in stormwater management program fees or service charges granted based upon age, race, tax status, economic status, or religion of the customer, or other condition unrelated to the stormwater management program's cost of providing stormwater program services and facilities, with the following exceptions:

- (1) ~~(1) Stormwater fee credit will be made available for non-single family residential (NSFR) properties with SCMs that exceed minimum performance standards for post-construction stormwater management established by the Town in the design manual or the NCDEQ Minimum Design Criteria (MDC), whichever is more —stringent. The total amount of credit shall be recommended by the Executive Director of Utilities and Infrastructure Services, based upon stormwater control measure (SCM) review and approval. The environmental appeal committee shall make the final ruling on the validity of the credit as outlined in article VII., environmental appeal and variance. A property may receive a monthly fee reduction up to 25% of the property's fee if it provides stormwater treatment above the minimum design requirement. Properties that receive crediting should incorporate elements as outlined in the Vision Holly Springs Land Use and Character Plan, including, but not limited to: Green Infrastructure Framework, Natural Stormwater Management Strategies and Green Streets for Stormwater Management.~~
- (2) Improved public road rights-of-way which have been conveyed to and accepted for maintenance by the state department of transportation and are available for use in common vehicular transportation by the general public shall be exempt from stormwater service charges.
- (2) ~~Improved public road rights-of-way, sidewalks, greenways and trails, and internal roads within public facilities which have been conveyed to and accepted for maintenance by the town and are available for use in common for vehicular transportation and/or use by the general public shall be exempt from stormwater management program fee service charges.~~
- (3) Railroad rights-of-way currently in use and related appurtenances shall be exempt. However, railroad stations, maintenance buildings or other improved property shall not be exempted from stormwater management program fees, charges or penalties.

- (4) Properties and facilities owned and operated by the town.
- (5) Undeveloped land and properties with fewer than 600 square feet of impervious surface.

(Ord. No. 14-02, § 1, 6-3-2014)

Sec. 8-398. - Limitations of responsibility.

- (a) The town shall be responsible only for the portions of the drainage system which are located within the corporate limits of the town, have been accepted by the town, and are actively maintained by the town. This includes street rights-of-way and permanent storm drainage easements which have been conveyed to and accepted by the town.
- (b) The town's acquisition of storm drainage easements and/or the construction or repair by the town of drainage facilities does not constitute a warranty against stormwater hazards, including but not limited to flooding, erosion or standing water.

(Ord. No. 14-02, § 1, 6-3-2014)

Secs. 8-399—8-410. - Reserved.

ARTICLE VIII. - ENVIRONMENTAL APPEAL AND VARIANCE^[5]

Footnotes:

--- (5) ---

Editor's note— Ord. No. 14-02, § 2, adopted June 3, 2014, renumbered this article as art. VIII, §§ 8-411—8-418. Prior to the adoption of those provisions this article was set out as art. VII, §§ 8-388—8-395. See also the editor's note at art. VII.

Sec. 8-411. - Title.

This article shall be known and may be cited as the Environmental Appeal and Variance Ordinance of Holly Springs, North Carolina.

(Ord. No. 10-03, pt. 8, 5-4-2010)

Sec. 8-412. - Purpose.

This article is adopted for the purposes of:

- (1) Establishing procedures for appeals and variances to requirements of this chapter.

(Ord. No. 10-03, pt. 8, 5-4-2010)

Sec. 8-413. - Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Appeal hearing shall mean a scheduled meeting with the environmental appeal committee to hear appeals and variances to regulations found in Chapter 8 of the Town of Holly Springs, North Carolina, Town Code of Ordinances.

Board of adjustment (BOA) shall mean the Town of Holly Springs Board of Adjustment.

Clerk of the environmental appeal committee (clerk) shall mean the ~~Director of Engineering~~Executive Director of Utilities and Infrastructure Services of the Town of Holly Springs or designee.

Committee shall mean the environmental appeal committee.

~~*Department* shall mean the North Carolina Department of Environment and Natural Resources~~*Division shall mean the North Carolina Division of Environmental Quality.*

Environmental appeal committee (EAC) shall mean the ~~three person committee appointed by the town manger to review and consider appeals to variances from requirements to environmental ordinances found in this chapter.~~ committee as outlined in this article to consider appeals to variances from requirements to the environmental ordinances found in this chapter.

Petitioner means the applicant, owner, person filing an appeal or variance petition with the town.

Public hearing means a public hearing held pursuant to G.S. 160A-364(a).

Town shall mean the Town of Holly Springs, North Carolina.

(Ord. No. 10-03, pt. 8, 5-4-2010)

Sec. 8-414. - Environmental appeal committee.

- (a) The committee shall review, consider and decide all appeals and variances from the requirements of this chapter.
- (b) The committee shall consist of three (3) people and one (1) alternate and shall be constituted by the following members, or their designees: Town Attorney, Land Development Division Manager, Executive Director of Utilities and Infrastructure and Assistant Town Manager. ~~appointed by the town manger on an annual basis.~~
- (c) The two concurring votes made by the committee shall be required to reverse or modify any order, requirement, decision or determination of the town.
- (d) The committee shall hold appeal hearings on an as needed basis and shall follow procedures described in sections 8-392 through 8-395 of this article.

(Ord. No. 10-03, pt. 8, 5-4-2010)

Sec. 8-415. - Variance to requirements.

- (a) *Right of request for variance.*
 - (1) Variances may be issued for relief to regulations set forth in articles of this chapter.
 - (2) In passing upon variances, the committee shall consider all technical evaluations, all relevant factors, all standards specified in other sections of the specific article.
 - (3) A written report addressing each of the factors shall be submitted by the petitioner with the application for a variance as described in section 8-418 of this article.
- (b) *Conditions for variances.* Upon consideration of the factors and the purposes of this article, the committee may attach such conditions to the granting of variances as it deems necessary to further the purposes of the article.

- (c) Variances shall not be issued when the variance will result in violation of other federal, state, or local laws, regulations, or ordinances.
- (d) Variances shall only be issued prior to development permit or building permit approval.
- (e) Variances shall only be issued upon:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship;
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and
 - (4) The applicant took no act or made no omission, which [aetact](#), or omission was the primary cause for the need of such variance.
- (f) Variances to Article III of this chapter shall only be issued upon meeting the criteria outlined in section 8-125.

(Ord. No. 10-03, pt. 8, 5-4-2010)

Sec. 8-416. - Disapproval or modification of proposed plan.

- (a) *Right of appeal.* The disapproval or modification of any proposed plan by town shall entitle the person submitting the plan (petitioner) to an appeal hearing before the committee if such person submits written demand for an appeal hearing to the clerk of the committee as described in section 8-418 of this article.
- (b) If the committee upholds the disapproval or modification of a proposed plan following the hearing, the petitioner shall have 30 days from the receipt of the decision to appeal the decision to the town's board of adjustment.

(Ord. No. 10-03, pt. 8, 5-4-2010; Ord. No. 14-02, § 2, 6-3-2014)

Sec. 8-417. - Appeal of determination of disputed bills, adjustments.

- (a) Right of appeal. The disapproval or modification of any disputed stormwater management program fee, charges, penalties and/or adjustment determinations made by the town shall entitle the person requesting the appeal or adjustment of the bill (petitioner) to an appeal hearing before the committee if such person submits written demand for an appeal hearing to the clerk of the committee as described in section 8-418.
- (b) If the committee upholds the disapproval or modification of a fee, charge, penalty or adjustment following the hearing, the petitioner shall have 30 days from the receipt of the decision to appeal the decision to the town's board of adjustment.

(Ord. No. 14-02, § 2, 6-3-2014)

Editor's note— Ord. No. 14-02, § 2, adopted June 3, 2014, replaced § 8-417 in its entirety. Former § 8-417 pertained to notice of violation or order and was derived from Ord. No. 10-03, pt. 8, adopted May 4, 2010.

Sec. 8-418. - Appeal hearing procedure.

- (a) *Filing of appeal and procedures.*

- (1) Written demand for an appeal hearing to the clerk of the committee shall occur within 30 days of the receipt of the decision, determination, order, penalty, requirement, or violation by the town unless as shorter time period for filing an appeal is specified in a specific article.
 - (2) Failure to file an appeal with the applicable filing fee within 30 days from notification shall constitute a waiver of any rights to appeal under this chapter, and the committee shall have no jurisdiction to hear the appeal.
 - (3) Appeals shall be taken within the specified time period pursuant to subsection (a)(1) by filing a notice of appeal or variance and specifying the grounds for appeal on forms approved by the town.
 - (4) The demand for a hearing filed with the clerk shall be accompanied by a filing fee as established by the town. The committee may order the refund of all or any part of the filing fee if it rules in favor of the petitioner.
 - (5) Within five days of receiving the petitioner's demand for an appeal hearing, the clerk shall notify the committee and the town attorney of the request for an appeal hearing. As soon as possible after the receipt of the notice and not to exceed 30 days, the clerk shall set a time and place for the hearing and notify the petitioner by mail of the date, time and place of the hearing. The hearing shall be conducted pursuant to subsection (b) of this section.
 - (6) The clerk shall forthwith transmit to the committee all documents constituting the record considered in the appeal.
- (b) *Appeal hearing.* The following shall be applicable to any appeal hearing conducted by the committee:
- (1) At the hearing, the petitioner and town staff shall have the right to be present and to be heard and to present evidence relevant to the issue before the committee.
 - (2) The procedure at the hearing shall be such as to permit and secure a full, fair and orderly hearing and to permit all relevant, competent, substantial and material evidence to be received therein.
 - (3) A full record shall be kept of all discussion and documentation presented at the hearing.
 - (4) Evidence presented in support of the petitioner's request for appeal must be submitted in writing. The committee will review the evidence and inform the petitioner of their decision in the matter of the request at the appeal hearing. The committee shall only consider information that was provided as part of the original appeal request transmitted by the clerk of committee.
 - (5) At the conclusion of the hearing, the committee shall render its decision on the evidence submitted at such hearing and not otherwise.
 - (6) If, after considering the evidence presented at the hearing, the committee concludes that the grounds for the town's actions, including the amount assessed as a civil penalty, with regard to either disapproving or modifying a proposed plan, issuing a notice of violation, assessing a civil penalty or ordering restoration are true and substantiated, the committee shall uphold the action on the part of the town.
 - (7) If, after considering the evidence presented at the hearing, the committee concludes that the grounds for the town's actions, including the amount assessed as a civil penalty, are not true and substantiated, the committee shall, as it sees fit, either reverse or modify any order, requirement, decision or determination of the town.
 - (8) If the committee finds that the violation has occurred, but that in setting the amount of a penalty the ~~director of engineering~~Executive Director of Utilities and Infrastructure Services or designee has not considered or given appropriate weight to either mitigating or aggravating factors, the committee shall either decrease or increase the per-day civil penalty within the range allowed by this chapter. Any decision of the committee which modifies the amount of the civil penalty shall include, as part of the findings of fact and conclusions of law, findings as to which mitigating or aggravating factors exist and the appropriate weight that should have been given to such

factors by the ~~director of engineering~~Executive Director of Utilities and Infrastructure Services or designee in setting the amount of the civil penalty levied against the petitioner.

- (9) The clerk shall keep minutes of its proceedings, showing the vote of each member upon each question and the absence or failure of any member to vote. The decision of the committee shall be based on findings of fact and conclusions of law to support its decision.
- (10) The clerk shall send a copy of its findings and decision to the applicant/petitioner and the town. Details regarding the case status, directions for payment, and provision for further appeal of the penalty to the board of adjustment shall be included in the findings. If either party contemplates an appeal to a court of law, the party may request and obtain, at that party's own cost, a copy of the minutes.
- (11) Any applicant to whom a variance is granted shall be given written notice specifying the conditions of the variance. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (12) The clerk shall maintain the records of all committee actions and report any variances and appeals to this chapter upon request.

(c) *Board of adjustment.*

- (1) Further appeals to variance and appeals heard by the committee shall be heard by the board of adjustment at a public hearing pursuant to Section 9.03 of the Town of Holly Springs Unified Development Ordinance and Section 7.03 of the Town of Holly Springs Development Procedures Manual.
- (2) The public hearing conducted by the board of adjustment shall be conducted ~~in the nature of~~ aa quasi-judicial proceeding with all findings of fact supported by competent, material evidence. The board shall only consider information that was provided as part of the original appeal request considered by the committee.
- (3) Written demand for a public hearing to the department of planning and zoning shall occur within 30 days of the receipt findings of the committee by the posted deadline date and time as shown on the board of adjustment schedule.
- (4) Clerk of the environmental appeal committee shall coordinate the preparation of all necessary materials for the public hearing on behalf of the town's environmental staff.

(d) *Final decision.* The decision of the board of adjustment shall constitute a final decision excluding Article II of this chapter.

- (1) The agency decision for appeals applicable to Article II of this chapter shall be made by the Secretary of the ~~Department of Environment and Natural Resources~~Division of Environmental Quality in accordance with Articles 3 and 4 of Chapter 150B of the General Statutes.
- (2) Appeal from the final decision of the Secretary of the ~~Department~~Division shall be to the Superior Court of the county where the violation occurred. Such appeals must be made within 30 days of the final decision of the Secretary of the ~~Department~~Division.

(Ord. No. 10-03, pt. 8, 5-4-2010)

 Holly Springs, N.C. Policy & Procedure Statements of the Holly Springs Town Board	P-047 Public & Private Storm Drainage Easements	
	Prepared By:	Daniel Colavito
	Department:	Utilities and Infrastructure
	Date Approved by Board:	December 1, 2020
	Effective Date:	December 1, 2020
	Supersedes Old #:	N/A
	Old Effective Date:	N/A

POLICY PURPOSE:

The Town has two types of defined drainage easements: private and public. Where an easement or storm drainage system has been adopted as public by the Town and is part of the Town's Municipal Separate Storm Drainage System (MS4), the Town shall make repairs it deems necessary in accordance with budgetary constraints, prioritization of needs, and its discretion. The purpose of this policy is to provide guidance regarding the responsibility for maintenance of drainage easements, and to set forth criteria when the Town might participate in repairs outside of the right-of-way, converting a private easement to a public easement and assuming responsibility.

SCOPE/COVERAGE:

This policy, upon adoption by Town Council, shall be applicable to any portion of the MS4, within the limits of the Town of Holly Springs.

POLICY STATEMENT:

I. DEFINITIONS:

- a. Private drainage easements are any recorded drainage easements that exist outside public rights-of-way or not otherwise on Town property. Maintenance of such easements shall be the responsibility of the property owner(s). Where an easement leaves the public right-of-way and extends along a property line, between two or more properties, the maintenance shall be shared by the owners of the properties adjacent to the easement. If not specifically labelled as "Private Drainage Easement" in a recorded document, the easement is deemed as private easement.
- b. Public drainage easements are those which are within Public rights-of-way and not on private properties.
- c. A recorded easement is any easement denoted on a plat or easement deed which is on record with the Wake County Register of Deeds office. Unless specifically delineated as a public easement on a plat signed by a Town official indicating approval, an easement is a private drainage easement.
- d. Storm Drainage System: Any conveyance system located on a recorded easement or within public right of way established by a developer or property owner at any time created with the express purpose of conveying surface water.

II. STORM DRAINAGE SYSTEMS ON PRIVATE PROPERTIES:

Storm Drainage Systems on private property are the responsibility of the property owner(s). Property owners shall periodically remove debris and make all necessary repairs to any Storm Drainage System necessary for the proper function of the system. The Town of Holly Springs Utilities & Infrastructure Services may, at its discretion, address stormwater issues on private property when a storm drainage easement, approved by the Utilities & Infrastructure Services, is granted for that specific reason. Upon receiving a request from a property owner(s) for significant repairs or replacement of a Storm Drainage System, Town staff will assess if the request is eligible for Town participation pursuant to the criteria established below. If the proposed project is determined to be eligible, preliminary plans and cost estimates for the project will be completed at the direction of Town staff and the most appropriate method of addressing the problem will be discussed with the owner(s). All storm drainage construction on private property shall be undertaken in a time and manner as practicable and shall be done on a scheduled basis so as not to interfere with other Town projects and then only as budgeted funds of the Town are available. Based upon available funding, the Town will prioritize all known projects based on established weighting criteria including; but, not limited to the following:

- Life & Safety
- Threat to Public Infrastructure
- Flooding Concerns
- Property Damage
- Number of Citizens Affected
- Environmental Harm

III. PRIOROTIZED PROJECTS FOR MAINTENANCE OR REPAIR:

1. The property owner(s) will furnish the Town of Holly Springs, without cost, an easement, approved by the Town Attorney, conveying to the Town permission to enter and cross said property as necessary for the purpose of performing any and all types of work related to the installation and/or maintenance of said Storm Drainage System. The property owner will be responsible for the removal and replacement of any trees, shrubs, fences or other encumbrances that would impede the performance of the work.
2. All work performed, whether on public or private properties, shall be done in accordance with all Town standards and specifications and shall comply with all state and local regulatory authorities. All pipe is to be of reinforced concrete unless determined otherwise by the Town. All materials for the project shall be as determined to be necessary by the Town and shall include all accessories or materials necessary to complete the work.
3. The Town reserves the right to refuse to participate in any project that is determined to be excessive in cost and/or of limited benefit as a storm drainage improvement measure.
4. No action or lack of action of the Town pursuant to the policy established by this policy whether in the past, present or future shall impose upon the Town of Holly Springs, agents, officers or employees any responsibility or liability of any kind relating to any person or property. The petitioners shall agree to covenant to and to

hold the Town harmless from any death, personal injury or property damage resulting from construction of the project. The conditions and easements set forth in this policy shall be binding upon the heirs, successors, assigns and grantees of the petitioners.

5. Nothing herein shall be construed, interpreted or implied in such a manner as to aid or assist in the development of subdivisions or the development of properties in the Town. The policy set out herein shall be applicable only to existing lots for which no new subdivision or development is anticipated or planned.

IV. MAINTENANCE:

1. Public Drainage Easements: The Town of Holly Springs shall maintain only the Storm Drainage Systems within Town maintained rights-of-way and on Town owned property, unless an easement has previously been offered and recorded and maintenance responsibility accepted by the Town.
2. Private Drainage Easements and Storm Drainage Systems located on private property: The Property Owner(s) is responsible for maintenance of any drainage easement or system located on their property.

End of Policy Statement No. P-047

I, Linda McKinney, Town Clerk of the Town of Holly Springs, certify that this policy statement was adopted by the Holly Springs Town Council on following a motion by Councilmember _____, a second by Councilmember _____ and a carrying vote of **x to x**.

Linda McKinney
Town Clerk





Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 14.

New Business

Title: Traffic Calming and Neighborhood Safety Program

Strategic Priority Area: Engaged, Healthy, & Active Community

Safe & Friendly

Responsible & Balanced Growth

Staff Resource: Aaron Levitt, Utilities and Infrastructure

Action(s):

Amend the town's Engineering Design and Construction Standards to include Traffic Calming and Neighborhood Safety policy.

Explanation:

- The proposed Traffic Calming and Neighborhood Safety program aims to identify the process to request police enforcement or traffic calming improvements in a transparent and informative process. The program will prioritize and implement solutions based on:
 - Data
 - Safety
 - Applicability
 - Budget
 - Efficacy
 - Partnerships
- The town receives 500-600 requests annually for traffic enforcement and calming. Typical requests include:
 - Police Enforcement
 - Signage and Striping
 - Crosswalks
 - Other Traffic Calming Improvements
- The core of the program relies on data driven decisions and solutions combined with the Town's previous experiences.
- Residents can request police enforcement or traffic calming improvements by using the simple on-line smart form, calling the Town, visiting Town Hall where staff will be available to assist applicants as needed.
- Each request for traffic calming improvements will receive a Street Index Score (1-100+) to determine the severity of the situation.
- The Street Index Score along with available funding, project costs, and other project needs will determine the priority of the request.
- Speed bumps and humps are still not permitted although at one time they were utilized on some town roads. Survey results indicate that only 14% of residents prefer that the town implement these devices knowing the impact they have on town services.

Background:

- Staff provided an overview of what components that may be included in a Traffic Calming Policy at Town Council Workshops November 19, 2019 and the April 14, 2020, respectively.
- The FY 2020-21 Community Investment Plan (CIP) included \$25,000 for Neighborhood Traffic Safety/Calming Improvements.
- The Traffic Calming Policy is being developed to help inform and prioritize solutions that provide effective, feasible, and fiscally responsible solutions whereas limited set aside funds can be appropriately applied to the maximum extent practicable.
- Requests are typically responded to with police enforcement, traffic calming improvements, or a combination of both.
- The Utilities and Infrastructure department receives about 25-35 requests for physical improvements every year.
- This policy will be included in the Engineering, Design, and Construction Standards which will be presented to Council for consideration.
- The Mayor and Town Council was briefed on potential policy elements at the April, 14, 2020 Workshop meeting and October 4, 2020 Council meeting.

Funding Source(s):

N/A

Attachment(s):

1. Digital Request Form
2. DRAFT POLICY
3. Previous TC Workshop Slides

Traffic Calming Request

Is this request an emergency? *

☐ Yes

☒ No

The purpose of this request is for: *

☐ Police support with speeding vehicles, vehicles running stop signs, etc.

☒ Traffic calming improvements - to request a stop sign, crosswalk, etc.

Request Purpose



Police Support

- Speeding vehicles
- Vehicles running stop signs
- Other police support



Traffic Calming Improvements

- Stop sign request
- Crosswalk request
- Other traffic calming request

Next

Your Contact Information

Name *

GB

First Name

Alford

Last Name

Email *

gbalford@hollyspringsnc.us

Address

128 S Main St

Street Address

Phone Number *

(919) 191-9191

Street Address Line 2

Holly Springs

City

NC

State / Province

27540

Postal / Zip Code

Home Owner Association (if applicable)

Traffic Calming Request

Tell us more about the location and time of concern (nearest address or cross-streets, e.g. on Main Street between Oak and Elm avenues on weekend mornings, between 9:30-11:30 a.m.):

Detailed description of concern:

SPEEDING • PEDESTRIAN SAFETY (BLOCKED SIDEWALKS, NO SIDEWALKS) • HIGH TRAFFIC VOLUME •
SCHOOL TRAFFIC • COLLISIONS • SIGHT DISTANCE • PARKING • BICYCLE SAFETY • OTHER

What action(s) do you think would address your concern (actual solutions to be determined after review/analysis):

CROSSWALK • STOP SIGN • ROAD NARROWING • OPTICAL PAVEMENT MARKINGS • OTHER

I understand that submitting this application does not guarantee approval for traffic calming and that such approval is subject to Neighborhood Traffic Calming Program guidelines. I accept responsibility to serve as the contact person for this request.

Signature *

Sign Here

Clear

Date

11-25-2020

Date

Back

Submit



Neighborhood Traffic Calming and Pedestrian Safety Policy



Mayor: Dick Sears
Councilman: Dan Berry
Councilwoman: Christine Kelly
Councilman: Shaun McGrath
Councilman: Pete Villadsen
Councilman: Aaron Wolff
Town Manager: Randy Harrington

Asst. Town Manager: J. Scott Chase
Asst. Town Manager: Daniel Weeks
Exec. Director of
Utilities and Infrastructure: Kendra D.
Parrish
Principal Engineer: Aaron S. Levitt
Civil Engineer II: Dirk Siebenbrodt
Civil Engineer I: Mateo Burbano

Traffic Calming and Pedestrian Safety

1.0 Policy Statement

The TOHS Neighborhood Traffic Calming and Pedestrian Safety program's purpose is to address that all requests as they pertain to transportation safety concerns on town-maintained roadways. The program aims to prioritize and implement police enforcement, traffic calming, and pedestrian safety measures based on safety, applicability, budget, efficacy, and partnerships. The aim of this program is to standardize and keep residents informed throughout the process.

The core of the program relies on data driven decisions and observations. As requests for enforcement and operation improvements are received, the program's goal is to concur that the actual data matches the request with data collected by standard transportation analysis methods.

All requests will be confirmed and prioritized using measured traffic data. Requests that are received but not supported by traffic data will be prioritized by the actual measured data and not by anecdotal reports.

If the request is supported by field verified data, this program will utilize traffic calming measures that are proven and supported by past experience, industry standards, and minimal impact to emergency response times. The town will prioritize solutions that provide effective, feasible, and fiscally responsible solutions.

2.0 Definitions

Affected Residents – An affected resident is a resident that lives on the street under study within the Area of Influence as determined by staff.

Affected Street – A roadway section with residential land use within the area of influence.

Area of Influence – The area of influence includes properties abutting the street under study and properties on intersecting streets within a reasonable distance of the roadway section as determined by staff.

If the roadway section or specific location under study is near a neighborhood amenity like neighborhood pool, playground, etc., property owners that access the amenity by foot but live further than 300' feet away are strongly encouraged to participate as well.

Direct Fronting – A property is considered direct fronting when its address and driveway are oriented to the roadway section or as staff determines appropriate.

Request Petition – Petition for traffic calming measures submitted by the property owners in the Area of Influence.

Neighborhood Representative- A single point of contact that acts as a link between Town staff and the residents initiating the Request Petition.

Sight Distance- The distance within which the operator of a vehicle from a specified height has a clear, unobstructed view of an object of a specified height standing on it. As sight distance increases so does the ability to avoid traffic incidents.

Street Index Score (SIS)- Numeric score (0-100+) generated from traffic data by staff.

Traffic Calming – The Institute of Transportation Engineers defines traffic calming as “the combination of mainly physical measurements that reduce the negative effects of motor vehicle use, alter driver behavior, and improve conditions for non-motorized street users” (ITE Journal, January 1997).

Pedestrian Safety measure- Safety improvements implemented as countermeasures to manage the conflict between pedestrians and motor vehicles (FHA Publication: Pedestrian Facilities Users Guide – Providing Safety and Mobility, March 2002).

3.0 Program Outline

Traffic enforcement and calming requesters may submit requests for the neighborhood safety and traffic calming process by contacting the Utilities and Infrastructure Department or by submitting an Action Request (AR) application to the Town. Digital submissions are encouraged; however, paper versions will be available at Town Hall along with staff assistance.

Minimum Requirements of Action Requests (AR):

- Description of specific police enforcement, neighborhood safety, or traffic issue;
- Contact information for a neighborhood representative;
- Petition with signatures from 75% of residents whose properties are directly fronting the affected street segment and are located in the Areas of Influence (**only one (1) property owner signature per household will be accepted**);

Please note that the AR's may be submitted at any time and TOHS staff will review the request as resources allow (typically within 2-4 weeks of receipt).

Upon receipt of the AR , Town staff will (See section 4.1 for flowchart)

- Evaluate the request
 - Evaluation may include:
 - Confirmation of area of influence, direct fronting properties, affected properties
 - Site investigation
 - Data collection (vehicle and pedestrian)
 - Sight Distance Analysis
 - Accident History
 - Complaint History
- Generate a Street Index Score
 - Street index score is determined and can be anywhere from 0 – 100+.
 - As street index scores increase so does the need for traffic calming measures.
 - Each request shall meet or exceed the threshold for traffic calming to become eligible for improvements.
 - Requests received that do not meet the traffic calming threshold will be logged as a historic request and considered for possible enhanced police enforcement (if applicable) .
 - Requests not meeting the traffic calming threshold will not be eligible for a re-analysis for 12 months.
- Categorize Project
 - Eligible projects will be categorized into one of three levels
 - **Level I Measures** – May consist of treatments such as an increase in police enforcement, education, HOA outreach, and maintenance of landscaping.
 - **Level II Measures** – May consist of non-structural treatments such as pavement marking, signage analysis and maintenance.
 - **Level III Measures**- May consist of structural treatments such as curb extensions, geometric modifications, mini-traffic circles, landscaping, and center islands.
- Prioritize Project
 - Projects are prioritized based on, but not limited to criteria identified in Appendix A.
 - Eligible projects get entered into the Neighborhood Safety and Traffic Calming Community Investment Project list according to their prioritization.
- Seek Funding
 - Level I Measures generally require no capital investment from the town and may be implemented as time and resources allow.

- Level II Measures have higher costs and construction requirements and will be implemented as the yearly operating budget permits. Projects that require funding in excess of the yearly operating budget will remain on the project list for funding in a following budget year or as funds are available.
 - Level III Measures require significant resources and funds and will be considered for funding as part of the town's 5-year Community Investment Plan.
- Design
 - Once a project is fully funded, Utilities and Infrastructure Department (U&I) staff will complete a construction drawing for the appropriate measure to be implemented.
 - Proposed measures will be shared with applicants for additional input.
 - Proposed improvements will be designed based on standard engineering practice and all applicable requirements, regulations, and site constraints.
- Construction
- Project Review
 - Approximately 1 year after the project is implemented/constructed, a follow up meeting with residents will be held to review the effect of the work and receive feedback.
 - This meeting allows the Town to gather feedback to continuously revise and improve how we respond to Neighborhood Safety and Traffic Calming requests.

3.1 Process – List (See section 4.1 for flowchart):

- STEP 1 - HOA/Resident Submit Action Request, AR.
 - Perceived issue
 - Neighborhood Consensus
- STEP 2 - Town Staff evaluate request using Table A-1: Street Index Score
 - Score minimum 80 points – street segment will advance to next step.
 - Score less than 80 points – process stops. No additional requests for street segment will be accepted for 24 months.
- STEP 3 -Determine appropriate measure
 - Level I

- Level II
- Level III
- STEP 4 - Project prioritization
 - Work Order, current Fiscal Year (FY) (depending on prioritization position)
 - Community Investment Plan (CIP), future FY (depending on prioritization position)
- STEP 5 - Engineering & Cost Estimate developed
- STEP 6 – Acquire funding
- STEP 7 - Implement measure
- STEP 8 – Follow-up

3.2 Special Radar Sign Program

Radar signs have been proven to be a cost-effective solution that significantly reduces speeding problems. Signs can be installed, with staff approval, temporarily or permanently in neighborhoods to provide motorists with visual feedback on their operating speed.

Radar signs may be prescribed by staff once the request has been categorized. As project funding is available and higher priorities are met, radar signs may be implemented with town funds as previously described.

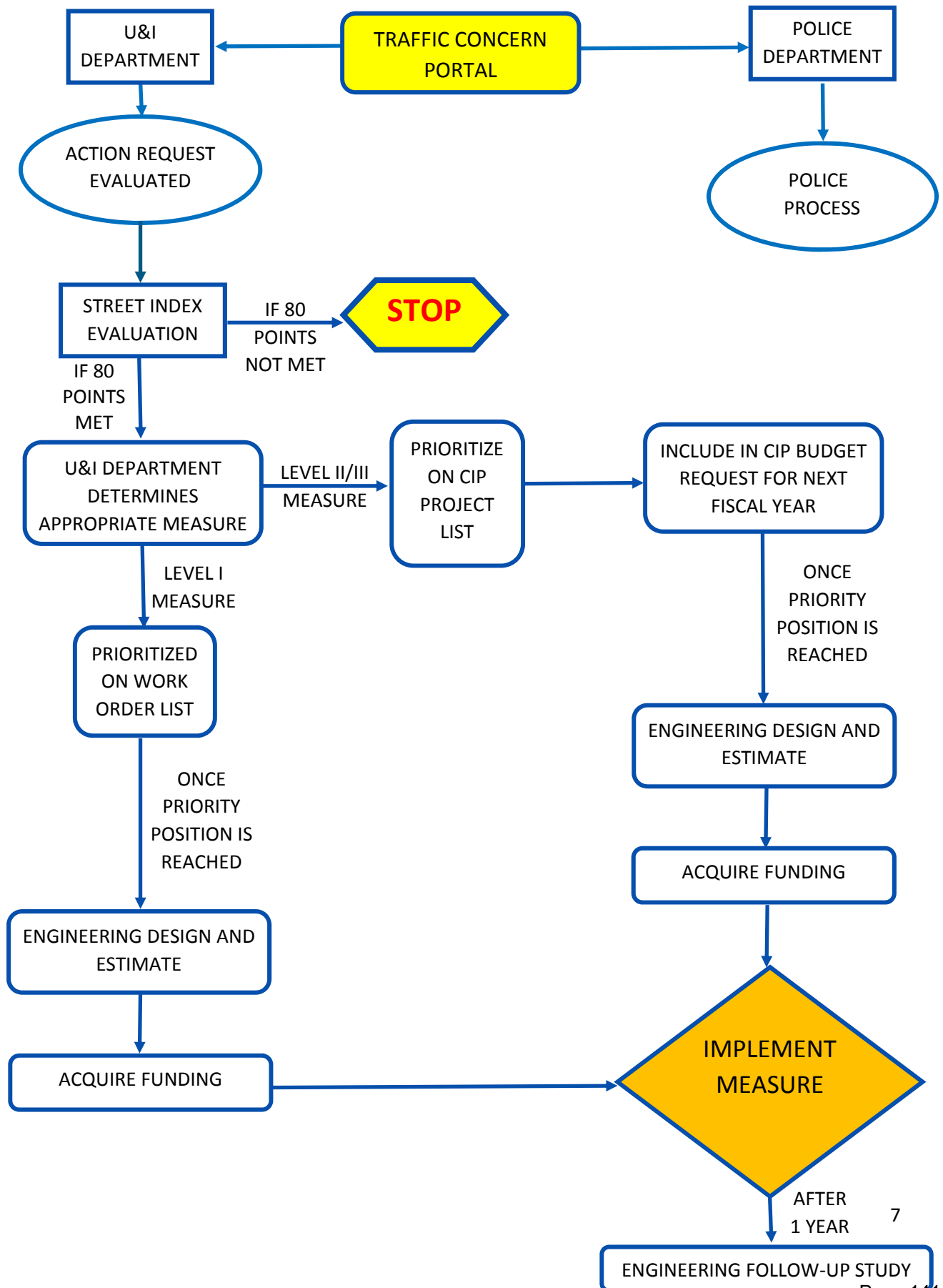
In addition to the standard town funding schedule, requesters may accelerate the implementation of radar signs by including financial contributions or by fully purchasing the equipment with the requester's/HOA funds.

Signs that are completely funded by a requestor will be the property of the requester and not the town. Operation and maintenance of the radar sign will be the responsibility of the requestor however town staff may assist with installation as resources are available.

If you or your community would like to purchase and maintain a radar sign, please indicate this on the Action Request form and your request will be expedited.

Please note that radar sign implementation within the Town's right of way requires town approval prior to installation. The town maintains the right to require relocation or removal of a sign from its right of way.

4.1 PROCESS FLOW CHART



Appendix A: Prioritization Criteria

- Street Index Score is determined by using the following criteria:
 - Traffic Speed
 - Traffic/Pedestrian Volume
 - Crash History
 - Emergency Response Route
 - Existing Bike Route
 - Nearby Pedestrian Generators (pool, business, bus stop etc.)
 - Existing Sidewalks
 - Existing traffic calming measures
 - Street width
 - Posted speed limit
 - Street design and geometry
 - Street classification
- Available funding (Town funds, requester's financial participation, etc.)
- Project Costs
- Location of project (Town ROW or NCDOT ROW)
- Property needs

Appendix B1: Permitted Devices

Level 1:

- Enforcement through visible & active Police presence
 - Presence of law enforcement encourages compliance with traffic rules.
- Limited Resources
- Neighborhood Awareness/Outreach/Education
 - Distribute safety information/ HOA communications through social media/Education
- Visibility Improvements through tree and shrub trimming
 - Removes obstructions to oncoming traffic at intersections



Level 2:

- Radar Sign
 - Displaying travel speed of oncoming vehicles on the device reminding them to slow down when travelling too fast
 - HOA's or individuals in a neighborhood may purchase a radar display (subject to Town approval)
 - Limited number of trailers available
- Pavement Treatments (Striping/Texture/Patterns)
 - Special pavement markings to alert drivers of special conditions
- Warning Signage
 - Inform travelers of traffic laws, advanced warnings of changes to traffic conditions (i.e. stop ahead, reduced speed ahead, etc.)
 - Must meet MUTCD warrants. Contribute to visual clutter, can result in signs being ignored
- Traffic Control Signs



- Stop signs, one-way, etc. Signage
- MUST meet MUTCD warrants and is NOT effective at controlling vehicles' speed.



Level 3:

- High Visibility Crosswalks/Flashing Beacons
 - Placed at uncontrolled cross-walk to increase driver visibility to drivers and increase crosswalk safety
- Geometric Modifications: Bulb-Outs/Neckdowns/Chokers
 - Travel lane width reduction
 - Depends on ex. conditions & drainage. Requires regular maintenance if landscaped
- Bike Lanes/Sharrows
 - Provide specific lanes for bicyclists on the roadway
 - Depends on existing conditions
- Median/Center Island
 - Travel lane width reduction to deter speeding
 - Can limited access, depends on ex. conditions & drainage. Requires regular maintenance if landscaped
- Traffic Circles/ Round-a-bouts
 - Regulates traffic at an intersection without the use of stop signs, signals
 - Requires community buy-in, depends on existing conditions. Requires regular maintenance if landscaped
- Sidewalks/Multi-Use Paths/Greenways
 - Provide separate travel routes for pedestrians and bicyclists
 - Depends on existing conditions & drainage. Requires regular maintenance
- Traffic Signals



- Regulates traffic at higher-volume intersections
- Must meet MUTCD warrants and depends on existing conditions



Appendix B2: Non-Permitted Devices

- Traffic Control Signs

- Stop signs, one-way, etc. signage
- Unless they meet MUTCD warrants, traffic control signs are NOT effective at controlling vehicles' speed.
- If they do not meet MUTCD warrants, they are not duly erected and therefore non-enforceable by Police.
- Studies and research show that when unwarranted stop signs are present, motorists tend to ignore them. One reason for that is that if a motorist approaching the intersection on the major road (which typically does not have a stop sign) has to slow down and stop due to an unwarranted stop sign, BUT the motorist can see that no other ARs on the minor road approaches are present, he/she will be less willing to stop.
Note: this mentioned sight distance criteria is only one criterion of the MUTCD criteria.
- Pedestrians and other motorists are being exposed to a higher risk of being hit by a vehicle because they falsely believe that the vehicle will stop.
- Overall speed will not be reduced, vehicles make up for lost time on other stretches of the road.
- Residents living near stop signs will experience an increase in traffic noise through additional stopping and starting causing increased tire and engine noise.
- Additional stopping and idling at unwarranted stop signs also increase automobile exhaust and fuel consumption.



- "Slow – Children at Play" Signs

- These signs are NOT approved by the MUTCD.
- The generic message of these signs does not command sufficient motorist attention since motorists are generally aware of the increased possibility of children playing in adjacent yards and sidewalks when they are driving on any residential street.



- They are inappropriate for public streets since they convey the suggestion that playing on the street is an acceptable behavior, which it is not. Additionally, the installation of these signs may lead parents and children to believe they have an added degree of protection, which these signs do not provide.

- Speed Humps

- This measure substantially delays emergency response times since emergency response vehicles need to cross it very slowly
- This measure increases expenses on emergency response vehicles due to additional wear and tear
- Overall speed will not be reduced since vehicles make up for lost time on other stretches of the road
- Residents living near stop signs will experience an increase in traffic noise through additional stopping and starting causing increased tire and engine noise
- Additional stopping and idling at unwarranted stop signs also increase automobile exhaust and fuel consumption
- Maintenance issues during snow and ice removal



Note: Existing speed humps that are still located within the limits of Holly Springs received approval at a time before the Town's policy on speed humps was revised.

Appendix C: FAQ's

Q: I observed vehicles driving faster than the posted speed limit in my neighborhood. What can the Town do about it?

A: In order to make sure that we treat everyone equally and manage the Town resources, we have a process we can step through before just assuming a speeding problem.

Traditional police enforcement would be the Town's first measure. Please use the email or the link below to contact the Police Department in this regard:

trafficcomplaints@hollyspringsnc.us

<http://www.hollyspringsnc.us/1248/Report-a-Concern-about-Speeding-or-Vehic>

If there appears to be an excessive speeding issue from the observation of town staff, a speed, volume, or other engineering study may be completed as resources permit.

Once study results are received, staff will consider all applicable information and may propose a traffic calming improvement to reduce the problem.

Q: Will the Town install a speed hump? I see them around town on some roads.

A: The Town no longer approves the installation of speed humps on town roads. At one time speed humps were approved on Town roads but are no longer permitted due to the following reasons:

- Delay in emergency response times
- Accelerated wear and tear on vehicles
- Ineffectiveness for speed control along the corridor
- Noise complaints from adjacent property owners
- Damage to trailers and low clearance vehicles
- Pavement maintenance issues (snow removal, repaving, drainage impacts)

Q: Will the Town install a stop sign or additional stop signs?

A: Studies and research show that stop signs that are implemented but not warranted are ineffective for speed control.

When stop signs are not warranted and an approaching vehicle can clearly see that there is no vehicle on the minor road, they roll through the intersection. Furthermore, unwarranted stop signs give a false sense of security to pedestrians and young children: they assume that vehicles will stop because of the presence of a stop sign.

So how does the Town determine if a stop sign is warranted?

Per the MUTCD (Manual on Uniform Traffic Control Devices for Streets and Highways), one or more of the following criteria's thresholds must be met: reported crash data, minimum vehicular volumes, left turn conflicts, sight distance, street characteristics.

Q: Will the Town install a crosswalk?

A: Crosswalks are permitted and encouraged when appropriate. The Town would utilize the street index score to determine if this measure should be implemented. A crosswalk should be requested for the benefit of pedestrians only and not as a general tool to prevent speeding or reduce traffic volume.

Q: Could the Town install a sidewalk?

A: The town has a process in place through the sidewalk community investment plan (CIP) to receive and prioritize sidewalk requests. The Town regularly retrofits sidewalks along Town roadways. The Sidewalk CIP map is used when sidewalk funding is available. The Town Council selects sidewalk projects to fund and bases their choice on a large number of factors including available funding, existing sidewalk connections, proximity to schools/greenways, and sidewalk connectivity to community areas. Other factors that are considered are HOA contribution to the sidewalk cost and availability of right of way.

Q: Could the Town install a "No Outlet" sign?

A: Upon request, the Town will determine the location of the sign, if applicable. No outlet signs will be installed for temporary road stubs that eventually will connect to a future adjoining subdivision, unless the Town determines that that development will not take place in the foreseeable next 2 years.

Q: Could the Town improve the sight distance at an intersection or other section of the road?

A: If it is determined that the required sight distance is not adequate and does not conform with the MUTCD (see Stop Sign Request above), then measures will be taken either remove the sight obstruction or install measures that would it make safe for motorist to use on the road.



Mobility Guide: Key Policy Considerations

Town Council Workshop

1



Purpose/ Action

Mobility: Moving Vehicles, pedestrians, and bicyclists throughout town safely and effectively.

Purpose: Outline key policy and management considerations that would be envisioned as part of an updated Mobility Guide:

- Policy to include:
 - Traffic enforcement
 - Traffic calming devices
 - Traffic warning/control devices
 - Intersection analysis
 - Pedestrian facilities (sidewalks and greenways)
 - Bicycle facilities



Action:

- Receive feedback and guidance on policy framework

2

Discussion Areas

- **Current Demand and Practices when responding to Mobility Requests**
 - What types of mobility requests does the town receive?
 - How does staff respond to typical requests?
- **Proposed Practices and Devices**
 - What Devices are available and what are they best used for?
- **Mobility Guide Framework and Prioritization**
 - How will staff receive requests and respond in a fair and equitable manner?
- **Proposed Prioritization and Funding for Improvement Projects**
 - What Factors should be considered when prioritizing project?
 - How will the town fund these forecasted traffic projects?

3

Current Demand and Considerations: HSPD

- **Typical Complaints: Speeding and Crosswalk/Pedestrian Safety**
- **2 Dedicated officers (+2)**
- **Response Protocol:**
 - Standard Response Email/Conversation:
 - Observe Speeds/Volume/Signage
 - Traffic Data Collection
 - Is there a need for enforcement?
 - Verbal Warnings -> Citations -> Tracking/documentation and Analysis



4

HSPD Statistics (2019 Neighborhoods):

- **Traffic Enforcement Requests :**
 - Website: 144 (2019), 75 (2018)
 - Phone Reports: 287 (2019), 269 (2018)
- **Total Officer Hours: 193.5**
- **Total Traffic Stops: 479**
- **Citations Issued: 234**
- **Typical Data Analysis (traffic counts)**
 - 3% or less of vehicles are typically speeding
 - 10% is max case where a speed limit sign was missing and replaced
- **Solutions include signage visibility and police presence**
- **Anecdotal reports are often misleading**



5

Current Demand and Considerations: Engineering

- **Traffic Control/Warning/Calming Requests: Engineering receive requests:**
 - Average of 25-35 requests per year (tracked since 2016)
 - Yearly cost of improvement requests: \$60k-\$100k
 - 15 Requests Outstanding (since 2016)
 - \$70k-\$90k
 - Staff Resources
- **Requests include:**
 - Crosswalks
 - Stop Signs
 - Traffic Signals
 - Warning Signs
 - Sight Distance Analysis
- **Requests are tracked and responded to:**
 - Request Received and Logged
 - Analysis/Data Gathering
 - Proposed Action (Engineering)
 - Implementation (PWD) is funded through the operating budget



6

Traffic Device History

- Traffic Calming device implementation has varied in the past
 - Speed Bumps/Humps were once used however are no longer implemented
 - Increased Emergency Response time (15-30s per speed bump)
 - Wear and Tear on Town Vehicles (broken suspension on fire trucks)
 - Noise Nuisance: Brake Noise
 - Snow Plowing Challenges
 - Drainage Issues
 - Mixed response from nearby citizens
 - Stop Signs as traffic control devices
 - False sense of security
 - Incidents often increase when stop signs are used for traffic calming
 - Additional Enforcement Required

7

Other Considerations

- ISO Rating (1):
 - Emergency Response time factors into ISO rating:
 - Speed Humps/Bumps add approximately 30 sec for each device
 - Every 60s a fire doubles in size
 - Medical Response, 10% for every 60s of delayed defib.
- Development Standards
 - Street Design:
 - Street Classification
 - Design speed
 - Surrounding terrain
 - Traffic volume
 - Driveways
 - On-street parking
 - Street trees
 - Development type
 - New Positions Created (Transportation Engineer/Transportation Planner)
 - Review Development Plans for sufficient design of traffic calming/traffic warning, and traffic control devices
 - Traffic Calming Roadway design is encouraged
 - Curved Roads
 - Landscaping
 - Sight Distance



8

Current Demand: Sidewalks

- Engineering Department Receives Requests for Sidewalk Retrofits
- Projects are identified, mapped, estimated, prioritized (23)
- Prioritization:
 - Cost/Benefit
 - Road Classification
 - Proximity to Schools, Parks, Playgrounds, facilities
 - Greenway/Sidewalk Connectivity
 - Access to Commercial Area
 - Required Land
- Currently the town is completing/starting construction on 2 Sidewalk Projects:
 - Sunset Lake Road (Optimist Farm – Wescott) Construction by PWD
 - Main Street North (Oak Hall – Ting) Budget Forthcoming



9

Proposed Practices and Devices

SUMMARY OF MOBILITY ENHANCEMENT DEVICES

MOBILITY ENHANCEMENT DEVICE	IMAGES	PURPOSE of DEVICE	RESTRICTIONS of DEVICE	Currently in Use in ToHS	INSTALLATION/ MAINTENANCE COSTS
Enforcement (Visible & Active Police Presence)		Presence of law enforcement encourages compliance with traffic rules. Verbal/written warnings and citations may be distributed	Limited resources	Y	\$200 per hour
Neighborhood Awareness/Outreach/Education		Distribute safety information/ HOA communications through social media/Education	N/A	Y	Varies
Visibility Improvements (Tree/Shrub Trimming)		Remove obstructions to oncoming traffic at intersection.	N/A	Y	Varies
Radar Trailer		Displaying travel speed of oncoming vehicles on the device reminding them to slow down when travelling too fast	Relies on drivers willingness to obey their speed limit. Limited number of trailers	Y	\$4,000-\$7,000 per Each

10

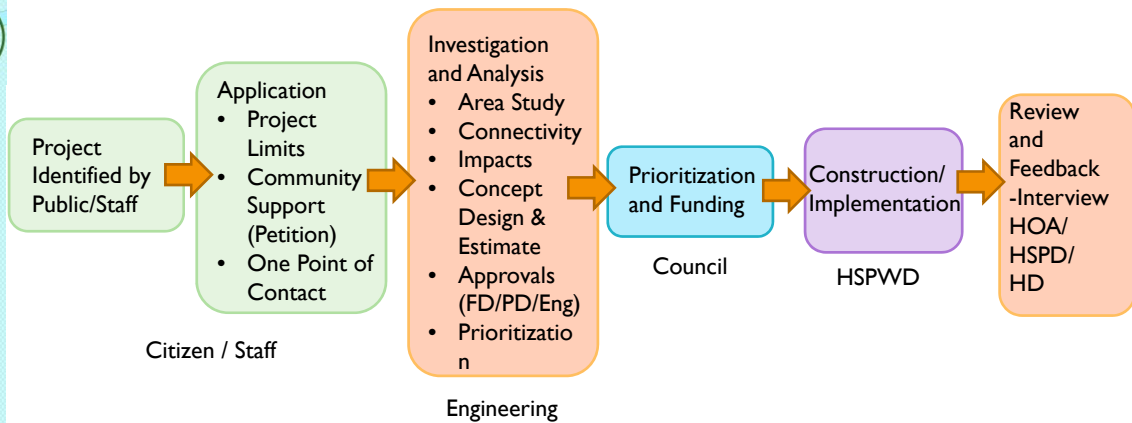
 Proposed Practices and Devices					
Warning Signage		Inform travelers of traffic laws, advanced warnings of changes to traffic conditions (i.e. stop ahead, reduced speed ahead, etc.)	Must meet MUTCD warrants. Contributes to visual clutter along roadway which could result in signs being ignored or not seen	Y	\$200-\$400 per Each
Pavement Treatments (Striping/Texture/Patterns)		Special pavement markings to alert drivers of special conditions (textured pavements, 3-D markings, RPM's, etc.)	Cost	Y	\$100 - \$5,000
Traffic Control Signage		Used to control traffic. Stop signs, one-way, etc.	Must meet MUTCD warrants. Studies have shown that this is not a device for controlling vehicles driving in excess of the posted speed limit.	Y	\$2,000 per Each
Speed Humps/Tables		Raised sections of pavement placed to deter speeding	Reduces response times of emergency vehicles, Studies have shown that these devices are not effective at reducing speed. Impacts drainage, maintenance, and can be a nuisance (brake noise).	Y	\$6,000 - \$10,000 per Each
					11

 Proposed Practices and Devices					
High Visibility Crosswalks/RRFB's		Placed at uncontrolled crosswalk to increase driver visibility to drivers and increase crosswalk safety.	Cost	Y	\$5,000-\$20,000 per Each
Geometric Modifications: Bulb-Outs / Neckdowns / Chokers		Travel lane width reduction to deter speeding	Cost, existing conditions, drainage, maintenance	N	\$10,000 - \$20,000 per Each
Bike Lanes/Sharrows		Provide specific lanes for bicyclists on the roadway	existing conditions	Y	\$15,000 per Mile
Median/Center Island		Travel lane width reduction to deter speeding	Limited access, Cost, existing conditions, drainage, maintenance	Y	\$10,000 - \$15,000 per Each
					12

Proposed Practices and Devices					
Traffic Cicles/ Round-a-bouts		Regulates traffic at an intersection without the use of stop signs, signals	Community buy-in, cost, maintenance, existing conditions	Y	\$20,000 - \$200,000 per Each
Traffic Signals		Regulates traffic at higher-volume intersections	Must meet MUTCD warrants, cost, existing conitions	Y	\$100,000 - \$300,000
Sidewalks/Mult-Use Paths/Greenways		Provide separate travel routes for pedestrians and bicyclists.	Cost, maintenance, existing conditions, drainage	Y	\$150 - \$500 per LF
13					

Mobility Themes and Goals:	
• Informative • Visual • Explanatory • Adaptive • Standardized • Transparent • Clearly Identify Roles and Responsibilities • Cooperative	
14	

Mobility Guide Framework:



15

Project Prioritization:

- Repurpose Stormwater Project Prioritization Software
- Attributes to Consider for Prioritization:
 - Volume/Speed of Road
 - Citizens Impacted
 - Cost Share
 - Proximity/Connection to:
 - Schools, neighborhood facilities, commercial areas

16



Discussion Areas

- Funding
- Next Steps
 - Staff will draft Mobility Guide Policy and present to Council for approval/comment



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 15.

New Business

Title: Resolution to Temporarily Relax Commercial District Light and Sign Ordinances for Holiday Lights

Strategic Priority Area: Economic Prosperity & Diversity

Staff Resource: Beth Trautz, Development Services, John Schifano, Town Attorney

Action(s):

Approve / Deny / Defer Resolution 20-45 to temporarily relax the enforcement of regulations regarding holiday displays for commercial properties.

Explanation:

- The Unified Development Ordinance (UDO) restricts a variety of commercial signage and holiday displays in order to limit size of signage, reduce safety risks of holiday displays from impeding pedestrians or creating debris by blowing onto parking and roadways as well as to maintain town aesthetics.
- In light of the COVID pandemic and interests to boost holiday spirits, staff recommends a resolution to relax enforcement of the Unified Development Ordinance (UDO) as it relates to commercial signage and holiday displays. UDO Section 7.02., C., 1., a. Holiday Decorations, Lights and 7.03., C., 5. Windblown Devices.
- This one-time resolution would be in effect from December 1, 2020 – January 15, 2021.
- The Town is encouraging participation from residents and businesses in the Happy Holly Days Decorations Drive Through. This resolution will support business participation without the risk of Zoning Compliance issues.

Background:

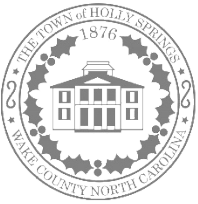
- Historically, Staff enforces the UDO which regulates commercial signage and set reasonable limits on temporary holiday displays.
- This is a goodwill gesture to help spread a little holiday cheer through the business community during the COVID-19 pandemic holiday season.

Funding Source(s):

N/A

Attachment(s):

1. 20-45 Resolution to relax holiday display regulations



THE TOWN OF

Holly Springs

Resolution No.: 20-45

Date Adopted: December 1, 2020

Effective Date: December 1, 2020

RESOLUTION OF THE TOWN COUNCIL OF HOLLY SPRINGS REGARDING TEMPORARY HOLIDAY DECORATIONS DURING DECEMBER 2020 THROUGH JANUARY 15, 2021

WHEREAS, the Town of Holly Springs has enacted a Unified Development Ordinance (“UDO”) which, among other things, regulates commercial signage and sets reasonable limits on temporary holiday displays such as lights, wind-blown devices, and other outdoor displays; and,

WHEREAS, the Town has an interest in ensuring safety of the motoring and pedestrian public with the inclusion of such displays, as well as an interest in ensuring visual aesthetics in the community; and,

WHEREAS, while the limitations set forth in the UDO on such displays are reasonable and necessary, the Town Council realizes the need this year in particular to provide business and other commercial entities flexibility in creating holiday displays, and to communicate to their customers through such displays, having the effect of promoting their businesses and appreciation for the holiday season and their community in general; and,

WHEREAS, the interests of the Town in protecting the safety and aesthetics of the community may be accomplished through this Resolution...

NOW THEREFORE, the Town Council of Holly Springs hereby resolves to direct staff to relax the enforcement of the regulations regarding such holiday displays from the date of this Resolution through January 15, 2021. Staff shall enforce the UDO’s regulation only in the event of 1) a probable or eminent life safety concern; 2) where a decoration encroaches into the Town of NCDOT right of way; 3) is patently offensive under an objective standard; 4) imitates a traffic control device and causes confusion to the motoring public; or 5) encroaches into another person’s property and a request for enforcement is received by the underlying property owner.

Adopted by the Holly Springs Town Council on this, the 1st day of December, 2020.

Town of Holly Springs by

ATTEST:

Dick Sears, Mayor

Linda McKinney, Town Clerk





Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 16.

Unfinished Business

Title: Comprehensive Transportation Plan (CTP) Steering Committee

Strategic Priority Area: Responsible & Balanced Growth

Economic Prosperity & Diversity

Safe & Friendly

Engaged, Healthy, & Active Community

Organizational Excellence

Staff Resource: Emmily Tiampati, Development Services

Action(s):

Appoint the remaining five (5) positions on the Comprehensive Transportation Plan Steering Committee

Explanation:

- A Steering Committee is being recommended to provide technical feedback and local expertise in the development of the Comprehensive Transportation Plan's (CTP) goals and recommendations.
- The suggested composition of the Committee is a mixture of Town residents and technical experts in transportation.
- Appointments should represent local residents, government, education, and community organizations, and other local and regional transportation agency partners.
- Staff has provided recommendations for both technical expert and special interest group appointments.
- It is requested that Town Council make appointments for the remaining positions on the Committee.
- Staff recommends that Council consider the demographic makeup of the Committee in order to have broad-based representation from the community.
- The suggested appointees have not been contacted to date to await Town Council's review.
- It is anticipated that the Committee will hold up to six (6) regular meetings at key milestones.

Background:

- The Town Council appointed the first ten (10) positions to the Committee on November 17th.
- As of the November 17th meeting, staff has confirmed 8 of the 10 positions, with only the NCDOT advisor to be determined. Staff has received recommended names attached for your consideration for the Holly Springs Senior Physical Activity slot.
- Since the November 17th Council meeting, the following adjustments are requested from

Town Council Business Meeting
December 1, 2020

those previously appointed:

- GoTriangle: Sharon Chavis is replaced by Erin Convery.
- Trustwell Properties: Cara Hylton is replaced by Jon Keener.
- Holly Springs Senior Walking: Craig Ashby has respectfully declined.
- The Town Council approved the CTP consultant contract with Kimley Horn in September 2020.
- The FY20-21 Budget includes \$400,000 for the completion of the CTP.
- The CTP will:
 - specify the details for the Town's multi-modal transportation planning and transportation improvement evaluation for new development.
 - provide guidance on the Town's planning for future transportation related investments over the next 5-10 years.
 - evaluate transportation improvements to be constructed as a part of the impacts of new development on the transportation system, sidewalk connectivity and construction priorities, and how the Town's transportation system will provide safe and identifiable connections with the Town's greenways (currently being identified in the Parks & Recreation and Greenway Master Plan).
- The current CTP was last completed in June 2011 with an amendment in July 2013.

Funding Source(s):

N/A

Attachment(s):

1. suggested CTP w highlighted members for TC consideration

Suggested CTP Technical Steering Committee					
No.	First Name	Last Name	Group	Company	Comments
1	Alex	Rickard	Technical Advisor	Capital Area Metropolitan Planning Organization (CAMPO)	Confirmed
2	Baohong	Wan	Technical Advisor	VHB Town's contracted TIA 3rd Party Reviewer	Confirmed
3	David	Stallings	Residential Developer	Shenandoah Homes/Capital Properties/Capital Grading	Confirmed
4	Erin	Convery	Technical Advisor	GoTriangle	Confirmed
5	Jackie	Miller	Holly Springs Advocacy Groups / Clubs	Holly Springs Cyclist	Confirmed
6	Jonathon	Keener	Non-Residential Developer	ABCZ Properties / Trustwell group	Confirmed
7	Rick	Madoni	Planning Board	Planning Board	Confirmed
8	Ryan	Monteleone	Holly Springs Advocacy Groups / Clubs	Holly Springs Half Marathon	Confirmed
9	TBD	TBD	Holly Springs Advocacy Groups / Clubs	Holly Springs Senior Physical Activity Groups	TBD
10	TBD	TBD	Technical Advisor	North Carolina Department of Transportation (NCDOT)	TBD
11			Town Council Representative	Town Council	
12			Van Pool/Bus Rider Representative	TBD	
13			Holly Springs High School Student	TBD	
14			Resident at large/ Senior	TBD	
15			Resident at large	TBD	