

Holly Springs Town Council Minutes

Regular Meeting April 17, 2007

The Holly Springs Town Council met in regular session on Tuesday, April 17, 2007, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Dick Sears presided, calling the meeting to order at 7:00 p.m. A quorum was established as the mayor and three council members were present as the meeting opened.

Council Members Present: Councilmen Parrish Womble, Chet VanFossen and Peter Atwell and Mayor Sears.

Council Members Absent: Councilmen Vinnie DeBenedetto and Hank Dickson.

Staff Members Present: Carl Dean, town manager; Charles Simmons, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Gina Clapp, director of planning and zoning; Jeff Jones, planner II; Alison Huffman, planner I; Drew Holland, finance director; Mark Andrews, public information officer; Bob Klaus, cultural center manager; Len Bradley, director of parks and recreation; John Herring, chief of police; Kendra Stephenson, senior engineer; Elizabeth Goodson, Stephanie Sudano, director of engineering.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Pastor Billy Dennis of Swift Creek Baptist Church.

4. Agenda Adjustment: The April 17, 2007 meeting agenda was adopted with changes, if any, as listed below.

Motion By: Atwell

Second By: VanFossen

Vote: Unanimous

Items Added to the Agenda: None.

Items Removed from the Agenda: None.

Consent Agenda Items Moved to Regular Business: None.

Other Changes: None.

5. Public Comment: At this time, an opportunity was provided for members of the audience who had registered to speak to address the Council on any variety of topics not listed on the night's agenda.

Corbett Myrick, 112 Marleton Way – Mr. Myrick, a senior at Middle Creek High School, provided information about a community service program he is planning as a class project. He said a music festival will be held from 1 to 6 p.m. April 29 at the Womble Park band shell.

Action: The Council approved a motion to endorse the student's project and to encourage town staff to lend support to the effort.

Motion By: Atwell

Second By: Womble

Vote: Unanimous.

Gerald Holleman, Easton Street – Mr. Holleman addressed the council to stand in opposition to the expansion of Shearon Harris Nuclear Plant. He said several years ago, Carolina Power and Light purchased 20,000 acres of land. The company is sitting on thousands of acres of unused land that is costing Wake County and southern Wake County municipalities millions of dollars in unrealized non-residential development, he said.

Mr. Holleman said he feels the company is imposing its high-level waste storage and plans for expansion on the area without ever having assisted communities in real ways by supporting important development proposals and issues. Mr. Holleman said he questions why the company never offered an alternative site for a landfill that would not have impacted residents as much as South Wake Landfill. He said the company could but has not pursued industrial development opportunities on the company's vast properties. He added that the company's last-minute withdrawal of its support for the now defunct Wake Southwest Regional Airport Authority remains an example of how the company does not really support this community.

Mr. Holleman said he is not opposed to nuclear power. He said he is opposed, however, to Progress Energy's

plans for expansion on the grounds of the company's non-support of Holly Springs. He announced his intentions to create a committee of concerned citizens to formally oppose the plans for the Harris Plant proposed expansion.

Councilman Atwell added that he agreed with Mr. Holleman's comments, and he added that he is concerned that a dialogue needs to be started with the company as to what will happen if the plant is expanded and how it would affect Holly Springs.

Tim Sack, 232 Elam St. – Mr. Sack reminded the Council of a condition on the approval for Windcrest Subdivision that the barrier on Sandy Pointe Way remain until construction is complete. In the meantime, the eyesore barrier prevents connection of the communities, and construction is nearly completed. While construction is not 100% complete in Windcrest, it is not within a quarter mile of the barrier.

He asked if the council could direct that the barrier be removed.

No action was taken.

6a. Public Hearing: Annexation Ordinance A07-01, 2109 Avent Ferry Road - Ms. Huffman said the Town has received a petition for voluntary annexation of 73.42 acres located at 2109 Avent Ferry Road and that the petition meets all the statutory requirements for annexation.

Ms. Huffman explained that, upon annexation, the property would be assigned the Holly Springs R-30: Residential zoning classification. She said the Town also has received petitions for a growth plan amendment and rezoning of the property.

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded:

Wayne Mauldin, 1301 Broad Street, Fuquay-Varina – Mr. Mauldin, representing the applicant, spoke in favor of the annexation. He said the applicant intends to extend water and sewer to the properties for residential development.

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

Action: The Council approved a motion to adopt annexation ordinance A07-01 annexing 50.82 acres owned by J. Michael and Rickey G. Edwards, and more particularly described as Wake County PINs: 0638.04-90-2709 and 0638.04-91-0888, and 22.60 acres owned by David McLain and Mr. and Mrs. Louis D. McLain, and more particularly described as Wake County PIN: 0638.04-92-4748, into the corporate limits of the Town of Holly Springs.

Motion By: Womble

Second By: VanFossen

Vote: Unanimous

A copy of Annexation Ordinance A07-01 is incorporated into these minutes as addendum pages.

6b. Public Hearing: Growth Plan Amendment 07-GPA-02, 2109 Avent Ferry Road - Ms. Huffman said the Town has received petitions for voluntary annexation and rezoning of property located at 2109 Avent Ferry Road. She said the total area of the three subject parcels is 73.4 acres, and a majority of the property is located on the south side of Avent Ferry Road across from Holly Pointe.

Ms. Huffman explained that, upon annexation, the property would be assigned a Holly Springs zoning designation of R-30: Residential. The applicant is asking for a growth plan amendment and a rezoning of the three parcels to be in harmony with the surrounding area.

She said the applicant is asking for a growth plan amendment to change the land use designation to Medium-Density Residential. The applicant hopes to be able to build a cluster development using only land that can be built on and preserve portions of open space within a designated location of the project.

She said the project is not compatible with the 10-Year Comprehensive Plan; however, staff feels that approving a growth plan amendment would allow for the property to be developed as a cluster development, thus being in greater harmony with the surrounding area due to protection of the existing natural features and designated open space.

Ms. Huffman said staff and Planning Board recommend approval.

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded: None.

There being no input, the public hearing was closed.

Action: The Council approved a motion to approve 10-Year Comprehensive Growth Plan Amendment 07-GPA-02 to change the future land use designation of 73.4 acres at 2109 Avent Ferry Road from LDR: Low-Density Residential to MDR: Medium-Density Residential as submitted by Wayne Mauldin of Mauldin-Watkins Surveying, PA.

Motion By: Womble

Second By: VanFossen

Vote: Unanimous

6c. Public Hearing: Zoning Map Change Petition 07-REZ-CU-03, 2109 Avent Ferry Road - Ms. Huffman

explained that the Town has received a petition for rezoning of property located at 2109 Avent Ferry Road from R-30 upon annexation to R-15: Residential.

She reported that the condition the applicant is placing on the rezoning -- a maximum of 160 lots, or 2.17 units per acre -- would be in keeping with the intent of the low-density residential (2 units per acre) when comparing the density of the R-15 zoning classification (2.25 units per acre)

In agenda packets, Ms. Huffman had explained that, in requesting the rezoning, the applicant would be in keeping with the harmony of the surrounding neighborhoods of Holly Pointe and Union Ridge. Both of these neighborhoods have R-10 zoning; therefore, the applicant is requesting a lesser density than the neighboring subdivisions.

Ms. Huffman said during additional dialog with the developer and staff after the Planning Board meeting, the following verbiage change is being proposed to Condition No. 3: from, "No slab-on-grade dwellings will be permitted" to, "No slab-on-grade dwellings will be permitted, and the grading will be designed to preserve the natural vegetation to the maximum extent practicable. If natural vegetation is not maintained undisturbed and in good condition for a minimum threshold, then landscaping will need to be replanted. This threshold will be coordinated with the developer and staff during the development plan review process and presented to Town Council for approval."

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded:

Wayne Mauldin, 1301 Broad Street, Fuquay-Varina – Mr. Mauldin, surveyor for the project, addressed the Council to clarify that the minimum dwelling size would be 2,000 square feet.

Councilman Atwell asked about slab-on-grade construction; clearing of land and the widening of Avent Ferry Road. Mr. Mauldin fielded those questions, saying that there would be no homes built on slabs and that clearing of the property would be to the extent needed for construction and that while some lots may need extensive grading, there would be nothing that would be considered, "mass grading." Mr. Mauldin added that the developer would widen Avent Ferry Road in accordance with Town requirements.

Texanna Washington, 2025 Avent Ferry Road – Ms. Washington, who is a neighboring property owner, said she was in attendance to learn about what is going on with property in her area.

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

Action #1: The Council approved a motion to approve and accept the following zoning consistency statement: "The requested zone map change from R-30 to R-15 is consistent with the Holly Springs 10-Year Comprehensive Growth Plan since the future land use plan map indicates this property as medium-density residential (maximum density of 3.25 units per acre), and the R-15: Residential district sets the maximum allowed density at 2.25 units per acre.

Motion By: Atwell

Second By: Womble

Vote: Unanimous

Action #2: The Council approved a motion to approve Zone Map Change Petition 07-REZ-CU-03 to change the zoning of 73.4 acres of Wake County PINs 0638-92-4748, 0638-91-0888 and 0638-90-2709 from R-30: Residential to R-15: Residential as submitted by Wayne Mauldin of Mauldin-Watkins Surveying, PA. with the following conditions:

1. Minimum dwelling size of 2,000 square feet
2. All foundations to be made of masonry, stone or other comparable material
3. No slab-on-grade dwellings will be permitted, and the grading will be designed to preserve the natural vegetation to the maximum extent practicable. If natural vegetation is not maintained undisturbed and in good condition for a minimum threshold, then landscaping will need to be replanted. This threshold will be coordinated with the developer and staff during the development plan review process and presented to Town Council for approval.
4. Limit lot count to 160 lots
5. 15% open space

Motion By: Atwell

Second By: Womble

Vote: Unanimous

6d. Public Hearing: Annexation Ordinance A07-02, 4600 Sunset Lake Road - Ms. Huffman said the Town has received a petition for voluntary annexation of 2.036 acres located at 4600 Sunset Lake Road. She said the petition meets all the statutory requirements for annexation.

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded: None.

There being no input, the public hearing was closed.

Action: The Council approved a motion to adopt annexation ordinance A07-02 annexing 2.036 acres owned by

Jesse C. and Jenny R. Appleton, and more particularly described as Wake County PIN: 0750.04-52-9273, into the corporate limits of the Town of Holly Springs.

Motion By: Womble

Second By: VanFossen

Vote: Unanimous

A copy of Annexation Ordinance A07-02 is incorporated into these minutes as addendum pages.

6e. Public Hearing: Annexation Ordinance A07-03, Woodcreek Development - Ms. Huffman reported that the Town has received a petition for voluntary annexation of 1.17 acres located within Woodcreek development. The petition meets all the statutory requirements for annexation.

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded: None.

There being no input, the public hearing was closed.

Action: The Council approved a motion to adopt annexation ordinance A07-03 annexing 1.17 acres owned by Holly Springs Residential Properties, LLC, and more particularly described as a portion of Wake County PIN: 0659.02-87-2146, into the corporate limits of the Town of Holly Springs.

Motion By: VanFossen

Second By: Womble

Vote: Unanimous

6f. Public Hearing: Zoning Map Change Petition 07-REZ-04, Rosewood Centre Tract 2- Ms. Huffman said at agenda packet deadlines Tuesday afternoon, the applicant requested via email that this zoning map change petition be withdrawn.

She said because the public hearing was advertised, it would be best for the Council to confirm that no one is present to address the issue, and then proceed with the meeting agenda with no further action required. The minutes, she said, would reflect that the petition was withdrawn.

Mayor Sears asked if anyone in the audience was present to address the issue. No one requested the floor.

Determining that there was no reason to hold a public hearing, Mayor Sears proceeded with the regular meeting agenda. It is noted for the record that the applicant requested by way of an April 10, 2007, e-mail message to Mr. Schifano that the rezoning request be withdrawn.

Action: None.

7. Consent Agenda: All items on the Consent Agenda were approved following a motion by Councilman Atwell, a second by Councilman VanFossen and a unanimous vote. The following actions were affected:

7a. Minutes - The Council approved minutes of the Council's regular meeting held on March 20, 2007.

7b. Budget Report – The Council received a report of FY 2006-07 budget amendments #76 through #97 approved by the town manager. *A copy of the budget report is incorporated into these minutes as addendum pages.*

7c. Budget Amendment, \$7,400 – The Council adopted an amendment to the FY 2006-07 budget in the amount of \$7,400 to provide funding for the summer youth work crew program through June 30, 2007. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

7d. Budget Amendment, \$230 – The Council adopted an amendment to the FY 2006-07 budget in the amount of \$230 to accept insurance proceeds for a damaged fire truck windshield. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

7e. Budget Amendment, \$13,225 – The Council adopted amendments to the FY 2006-07 reserve and Main Street project budgets in the amount of \$13,225 to purchase Main Street right of way from Holly Springs Baptist Church. *Copies of the budget amendments are incorporated into these minutes as addendum pages.*

7f. Budget Amendment, \$3,200 – The Council adopted an amendment to the FY 2006-07 budget in the amount of \$3,200 to provide for landscaping around the police station. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

7g. Budget Amendment, \$420,000 – The Council adopted an amendment to the FY 2006-07 budget in the amount of \$420,000 to reallocate revenues within the budget. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

7h. Performing Arts Alliance Members – The Council approved the addition of the Holly Berry Players and Bare Theatre as members of the Performing Arts Alliance program for events Jan. 1 – Dec. 31, 2007.

7i. Progress Energy Easement – The Council authorized an easement on Lee Street for a Shearon Harris Nuclear Plant Warning siren owned by Progress Energy. *A copy of the Progress Energy easement is incorporated into these minutes as addendum pages.*

8a. Holly Springs Baptist Church Parking Lot – Ms. Stephenson said in the past several weeks, the town has been in discussions with Holly Springs Baptist Church regarding the construction of a town parking lot on church property. The parking lot would be constructed and maintained by the town. During the week it would be used by the town for public parking; the Baptist Church would use the lot on Sundays and at other times for special events, such as weddings and funerals.

Ms. Stephenson said the parking lot for Holly Springs Baptist Church would add 33 spaces to the Village District. The lot also would fit well with the town's upcoming downtown enhancement project and would provide a needed sidewalk connection to Raleigh Street, she noted. The project would cost approximately \$150,000 to construct; however, this estimate is not based on a final design, Ms. Stephenson said, adding that the Town Attorney is working with the church to secure an agreement that would outline the parameters of joint use.

Mr. Dean addressed the Council to explain that the project would be a good cooperative effort between the church and the town to provide much-needed downtown parking.

Mr. Simmons added that he will be providing the church with the draft joint use agreement for the church's input. He said he hopes to bring the agreement to the Council at the next meeting.

Councilman VanFossen had some comments, including a comment to provide a pedestrian way through the landscaping on Main Street; he also asked about details for handicapped parking requirements.

Ms. Stephenson and Mr. Dean stressed that the draft plan is very preliminary and that staff is asking for agreement that the project is worth pursuing.

Councilman Atwell agreed with Councilman VanFossen's comments about connectivity. He added that he would like to see landscaping and architectural features that will prevent Main Street from looking like a parking lot of cars.

There was discussion about parking lot plan details: traffic flow, direction of that flow, safety, appearance, and coordination with the appearance of downtown.

Ms. Stephenson said staff had hoped to get approval from the Council about the idea before spending lots of time on specific design.

Councilman Atwell said the consensus of the council is that they like the idea, but the plan needs work.

Action: The Council approved a motion to endorse the concept of pursuing a joint-use parking lot at Holly Springs Baptist Church.

Motion By: Atwell

Second By: VanFossen

Vote: Unanimous

9b. Holly Springs United Methodist Church Parking Lot – Ms. Stephenson said Holly Springs United Methodist Church is preparing to expand its church facilities, and a preliminary master plan has been completed by Tise-Kiester Architects.

Ms. Stephenson said the church is anticipating a +/- 100-space parking lot. It has been proposed that this parking lot be a joint venture between the Town and Holly Springs United Methodist Church. Due to future building locations, a +/- 76-space parking lot could be designed in-house by the engineering department and constructed at this time. The proposed lot would serve the Village District and the Cultural Arts Center during the week and the church on Sundays and during special events.

She said this is a unique opportunity to provide additional parking without the expense of purchasing property. The Town Attorney would work with the church on an agreement for usage, she added.

Ms. Stephenson said a very ballpark figure for construction of this project is \$275,000. A more reliable construction estimate could be completed when a survey for the property is completed. Staff would come back before the Council with a preliminary plan and construction estimate once a survey has been completed, she said.

During discussion, it was determined that the Holly Springs Baptist Church parking lot project is farther along in the process, and it does not need to be tied to this second project and be held up by it. Also, it was determined that staff should investigate the cost and feasibility of deck parking on this property to maximize the number of spaces and to take advantage of the topography.

Action: The Town Council approved a motion to authorize staff to move forward with surveying and preliminary design for a joint-use parking lot at Holly Springs United Methodist Church with further information to be provided on the feasibility of deck parking.

Motion By: VanFossen

Second By: Atwell

Vote: Unanimous

9. Other Business: Councilman Womble said he would like to revisit Mr. Sack's barrier question.

Action: The Council approved a motion to direct that the street barrier on Sandy Pointe Way between

Windward Pointe and Windcrest Farms be removed.

Motion By: Womble

Second By: VanFossen

Vote: Unanimous.

Councilman VanFossen asked if the Holly Springs Rotary Club could use the Bass Lake Retreat Center without charge for its installation of officers.

Councilmen said they believed that it would be okay because they believed that the facility use policy would permit it. Mayor Sears asked that the Parks and Recreation director be notified of the request and that if there was a problem that Councilman VanFossen be advised.

10. Manager's Report: None.

11. Closed Session: None.

12. Adjournment: There being no further business for the evening, the April 17, 2007, meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Atwell, a second by Councilman VanFossen and a unanimous vote.

Respectfully Submitted on Tuesday, July 17, 2007,

Joni Powell, CMC, Town Clerk

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