

# Holly Springs Town Council Minutes

## Regular Meeting Feb. 20, 2007

The Holly Springs Town Council met in regular session on Tuesday, February 20, 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 all four council members were present as the meeting opened.

**Council Members Present:** Councilmen Vinnie DeBenedetto, Parrish Womble, Chet VanFossen, Hank Dickson, Peter Atwell, (arrived at 8:17 p.m.) and Mayor Sears.

**Council Members Absent:** Councilman Peter Atwell (arrived at 8:17 p.m.)

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

**Planning Board Members Present:** Matt Johnston, Joe Signoretti, Joe Fanjoy, Tim Sack, Jimmy Cobb, Deidre Brice, Lisa Martin and Glen Myrto.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Horace Ferguson of Holly Springs United Methodist Church.

**4. Agenda Adjustment:** The February 20, 2007 meeting agenda was adopted with changes, if any, as listed below.

**Motion By:** Dickson

**Second By:** DeBenedetto

**Vote:** Unanimous

**Items Added to the Agenda:** None.

**Items Removed from the Agenda:** None.

**Consent Agenda Items Moved to Regular Business:** None.

**Other Changes:** Move agenda item 7b., a request from Parks and Recreation Advisory Board to be heard after Agenda Adjustment.

**7b. Athletic Trophies** – Ms. Beth Arthur of 4925 Gable Ridge Lane and chairman of the Parks and Recreation Advisory Committee explained that the Town's athletic teams have won various trophies in local, state, and regional competitions. She said parks and recreation department is in possession of the majority of the trophies awarded; however some may remain in the possession of coaches of winning teams.

She said in order for participants of various athletic teams and the Town to receive recognition for their achievements in athletic competitions, the Recreation Advisory Committee recommends the Town pursue the return of all athletic trophies previously awarded to the town by local, state, and regional organizations be returned to the Town of Holly Springs.

Mr. Schifano said that many coaches follow the practice of displaying the trophies at the Town facilities. He said the request to return all trophies to the Town is an appropriate request and is considered a common practice.

**Action:** The Council approved a motion to pursue the return of all local, state, and regional trophies

awarded to the Town's athletic teams to the Town of Holly Springs Parks and Recreation Department and to be displayed in a secure location as deemed appropriate by the Town.

**Motion By:** VanFossen

**Second By:** DeBenedetto

**Vote:** Unanimous

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

Greg Calleri of 804 Crossway Lane - Mr. Calleri said that he has not seen any changes in the Town's policy addressing four-way stop signs and speed humps. He said that there has not been any communication from Town staff with the residents along Crossway Lane for their input. Mr. Calleri requested the Council to consider installing four-way stop signs verses speed humps.

Mitch Bloom of 709 Crossway Lane – Mr. Bloom commented that he agreed with Mr. Calleri comments and that he would support the installation of four-way stop signs and not speed humps.

Susan Smith, 237 Kingsport Road – Mrs. Smith expressed her support for the addition of permanent speed humps and four-way stop signs. She also requested the Council to consider installation of construction traffic signs and open Flint Point Lane to the public in affords to reduce the amount of traffic on Crossway Lane.

**6a. Public Hearing: Morgan Park PUD, 02-PUD-01-A02** – Mr. Zawadski said the Town has received a request for an amendment to Morgan Park PUD (previously Trotter's Village PUD) which was approved as a neo-traditional development that included single family and townhomes as well as a commercial component. He said there was an amendment approved to the original plans last May, 2006.

Mr. Zawadski said this request is a second amendment requesting the following changes:

- \* a slightly different parcel and street layout;
- \* a new location for the recreation site, and;
- \* single family lots in part of the area originally set aside for townhomes;
- \* reduction in landscape buffers along the western property line and the addition of landscape buffers along the northeastern property line;
- \* an overall reduction of approximately 5 acres of open space;
- \* minimum lot size reduced to 16,000 SF from 20,000 SF in district A1;
- \* minimum lot size reduced to 7,500 SF from 12,000 SF in district D1;
- \* parcel B townhomes changed to parcel B village house/patio homes.

Councilman DeBenedetto and staff discussed how the town calculates the total number of units per acre.

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

Thomas Spaulding of Spaulding and Norris, PA 972 Trinity Road Raleigh – Mr. Spaulding representing the applicant said the amendments are being requested due to the removal of the townhomes and to increase the single family lots and to clean up the site plan.

Councilman VanFossen asked for clarification on the minimum lots that are being amended from 21000 square feet to 16000 square feet in A1 and the minimum lot size is reduced to 7,500 square feet from 12,000 square feet in district D1.

Mr. Spaulding explained that with the removal of the Townhomes made substantial changes within the easement and roadway areas and is part of cleaning up the plan.

Robert Castillo 1200 Avent Ferry Road – Mr. Castillo expressed his concerns regarding the increase in traffic, speed, noise, water run-off, standing water and trash along Avent Ferry Road. Mr. Castillo said that he is in opposition of the project.

Councilman VanFossen commented that the issue of trash and standing water is being addressed on by the Town.

There being no input, the public hearing was closed.

**Action:** The Council approved a motion to forward Morgan Park Planned Unit Development #02-

PUD-01-A02 to the Holly Springs Planning Board for review and recommendation.

**Motion By:** VanFossen

**Second By:** Dickson

**Vote:** Unanimous

**6b. Public Hearing: Jump Zone, 06-SEU-10** – Ms. Huffman said the Town has received an application to consider a Special Exception Use petition 06-SEU-10, Jump Zone to allow a private recreation facility at 250 Premier Drive. She said the recreation facility will be by appointment only for birthday parties and other such events on weekends.

She said the applicant is also asking for a wavier to UDO Section 4.05 and the site plan is in compliance with the Ten Year Comprehensive Growth Plan.

Ms. Huffman said the project was approved in October 2006 on a different parcel on an un-named street near Irving Parkway and 55 By-Pass. She said there was site complications and was unable to be constructed. The new site is the same building as the previous Special Exception Use request, just a different location.

She said staff and the Planning Board recommends approval for the special exception use and waiver.

Ms. Huffman at this time described the development and architectural standards of the site, sidewalks, parking and landscaping requirements.

Elizabeth Goodson said the developer has satisfied condition #3 of the conditions for approval therefore, it can be removed.

With that explanation completed, Mayor Sears opened the public hearing to accept sworn testimony and qualified evidence. Under oath administered by the Town Clerk, the following provided testimony to be recorded: None.

There being no testimony, the public hearing was closed.

Ms. Huffman said the Planning Board reviewed the plant materials used for the perimeter landscape buffer and had no concerns with the planting material, but staff feels loblolly pines is not a good plant to use and requested suggestions from the Council.

The Council Members made several suggestions of planting materials to substitute for the loblolly pines.

**Action #1:** The Council approved a motion to make and accept the following findings of fact to be recorded in the minutes for Special Exception Use Petition 06-SEU-10 for Jump Zone located at 250 Premier Drive to allow for a private recreation facility as submitted by Thompson and Associates, project number: 06-054, date revised 01/07/2007:

- a. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
- b. The proposed use will not injure or adversely affect the adjacent area;
- c. The proposed use will be consistent with the character of the district, land uses authorized therein, and the Town of Holly Springs Comprehensive Plan;
- d. The proposed use shall conform to all development standards of the applicable district (unless a waiver of such development standards is requested as part of the special exception use petition and approved as set forth above, in which case the proposed use shall conform to the terms and conditions of such waiver).
- e. Access drives or driveways are or will be sufficient in size and properly located to: ensure automotive and pedestrian safety and convenience, traffic flow as set forth in Section 7.09 – Pedestrian Circulation and Vehicular Area Design; and, control and access in case of fire or other emergency;
- f. Off-street parking areas, off-street loading areas, trash enclosures, trash pick-up and removal, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties and properties in the general neighborhood;
- g. The lot, building or structure proposed for the use has adequate restroom facilities, cooking facilities, safety equipment (smoke alarms, floatation devices, etc.), or any other service or equipment necessary to provide for the needs of those persons whom may work at, visit or own

- property nearby to the proposed use;
- h. Utilities, schools, fire, police and other necessary public and private facilities and services will be adequate to handle the needs of the proposed use;
- i. The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts; and,
- j. The type, size, and intensity of the proposed use (including but not limited to such considerations as the hours of operation and numbers of people who are likely to utilize or be attracted to the use) will not have significant adverse impacts on adjoining properties or the neighborhood.

**Motion By:** Dickson

**Second By:** Womble

**Vote:** Unanimous

**Action #2:** Having made the necessary findings of fact, motion to approve Special Exception Use 06-SEU-10 for Jump Zone as submitted by Thompson and Associates, project number: 06-054, date revised 01/07/2007 with the following conditions:

1. Prior to construction drawing submittal, the existing land disturbance permit for this area will need to be closed out.
2. The following items will need to be submitted with 1<sup>st</sup> construction drawing submittal:
  - a. A comprehensive drainage area map with calculations for the site.
3. ~~Prior to Town Council Approval of this plan, right-of-way and easements will be required to be dedicated to the town for Green Oaks Parkway (even though the dedication is on lot 4B).~~

**Motion By:** Dickson

**Second By:** Womble

**Vote:** Unanimous

*A copy of Special Exception Use application 06-SEU-08 entered into the record by the applicant and addressing the findings of facts is incorporated into these minutes as addendum pages.*

**Action #3:** The Council approved a motion to make and accept the following findings of fact to be recorded in the minutes for a waiver of UDO Section 4.05 B, 2, c, Selection of Building Materials, Colors, Textures, Architecture and Façade Modulation in association with Special Exception Use Petition #06-SEU-10 for Jump Zone located at 250 Premier Drive as submitted by Thompson and Associates project number: 06-054, date revised 01/07/2007.

1. The proposed development represents the use of (building materials, colors, textures, building architecture, building orientation, roof features, façade modulation, signs, landscaping, lighting or pedestrian circulation and vehicular area design) which will result in a development pattern which is equivalent to or superior to that achievable under the applicable regulations;
2. The proposed development will be compatible with and will enhance the use or value of area properties;
3. The proposed development is consistent with the intent of the Comprehensive Plan; and,
4. The proposed development is consistent with the intent and purpose of this UDO.

**Motion By:** Dickson

**Second By:** Womble

**Vote:** Unanimous

**Action #4:** Having made the necessary findings of fact, motion to grant a waiver of regulation of UDO Section 4.05, B, 2, c. regulations for Special Exception Use 06-SEU-10 for Jump Zone as submitted by Thompson and Associated, project number: 06-054, date revised 01/07/2007

**Motion By:** Dickson

**Second By:** Womble

**Vote:** Unanimous

**6c. Public Hearing: Ordinance 07-02 UDO Amendment 06-UDO-06 – Mr. Jones said this request if for**

the Council to consider Ordinance amendments to the UDO Section 9.03 C. 4, b and c. Findings of Fact for a Variance of Development Standards. He said the proposed changes are being requested by the Board of Adjustment. Mr. Jones said that the current findings of fact are cumbersome and the Board has had a difficult time in determining whether or not the applicant meets the standards. The proposed language condenses the current 10 findings of fact to 3 findings of fact and gives the board limited ability to place conditions on the variance.

Mr. Jones said staff and the Board of Adjustment, the Technical Review Committee and the Planning Board are recommending approval.

Councilman VanFossen and the Town Attorney clarified the meaning of the word “assures” in “(3) Granting the variance *assures* the public safety and welfare and does substantial justice” if the word “assures” would make the Town liable for safety issue.

With that explanation completed, Mayor Sears opened the public hearing to accept sworn testimony and qualified evidence. Under oath administered by the Town Clerk, the following provided testimony to be recorded: None.

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

**Action #1:** The Council approved a motion that the following statement is true: The requested UDO text amendment is consistent with the Holly Springs Ten Year Comprehensive Growth Plan policies for Land Use. In order to achieve the goals and policies addressed in the Land Use element, certain Ordinances and Town polices will need to be amended and additional plans and land use tools will need to be created or modified.

**Motion By:** VanFossen

**Second By:** Dickson

**Vote:** Unanimous

**Action #2:** The Council approved a motion to adopt Ordinance 07-02 to enact UDO amendment #06-UDO-06 to modify the text of the UDO Section 9.03 C. 4, b and c. Findings of Fact for a Variance of Development Standards as submitted by the Town of Holly Springs.

**Motion By:** VanFossen

**Second By:** Womble

**Vote:** Unanimous

*A copy of Ordinance 07-02 is incorporated into these minutes as addendum pages.*

**6d. Public Hearing: Ordinance 07-03 UDO Amendment 06-UDO-07** – Mr. Zawadski said that this request is for an Ordinance amendment to the UDO Section 3, commercial and Section 11, definitions. He said since the adoption of the UDO, staff has reviewed and evaluated the UDO text for minor errors, interpretations that are unclear, and sometimes regulations that need to be added or changed.

Mr. Zawadski reviewed the following amendments to the UDO sections with the Council Members:

Section 3: May increase height by 10 feet if additional setback is provided;

Section: LB and TV - Townhouses in the LB district shall be subject to architectural and site design requirements in R-MF-15;

Section: 3.02 B. 5, Change Maximum Gross floor area to Main floor area and revise definition;

Councilman VanFossen asked for clarification why to delete “gross” from the maximum gross main floor area and if this includes parking lots. Mr. Zawadski explained the interpretation of the change and it was suggested to reword as follows: “Maximum main gross floor area...” and it did not include the parking lots.

Section: 3.03, 3.08, Change “pallet” to “palette”;

Section: 3.03, B., 3., c., Change opens space to open space;

Section: 3.07, B., 6., Exempt fundraisers from requirements;

Section: 3.07 B., Temporary construction trailers and sale offices;

Section: 3.07 and/or 3.08, Add architectural requirements for canopies (i.e. gas stations, banks, pharmacy, drive-through, etc.);

Section: 3.08 A., 7., Mail box kiosks;

Section: 3.08, amendment to add mechanical equipment screening requirements.

Section: 11.02, Revise definition of Main Gross Floor Area; and,

Change all references of Board of Commissioners to Town Council in Section 3 and Section 11.

Mr. Zawadski said staff and the Technical Review Committee and the Planning Board are recommending 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 #1:** The Council approved a motion that the following statement is true: The requested UDO text amendment is consistent with the Holly Springs Ten Year Comprehensive Growth Plan policies for Land Use. The proposed modifications to the commercial and definitions section create enforceable ordinances to enact Land Use policies.

**Motion By:** Womble

**Second By:** VanFossen

**Vote:** Unanimous

**Action #2:** The Council approved a motion to adopt Ordinance 07-03 to enact UDO amendment #06-UDO-07 to modify the text of UDO Section 3, Commercial and Section 11, Definitions as submitted by the Town of Holly Springs.

**Motion By:** Womble

**Second By:** VanFossen

**Vote:** Unanimous

*A copy of Ordinance 07-03 is incorporated into these minutes as addendum pages.*

**6e. Public Hearing: Ordinance 07-04 UDO Amendment 06-UDO-08** – Ms. Huffman explained that during the past year, staff and the Technical Review Committee have been discussing amendments to Section 2, Residential; and Section 4, Industrial, of the UDO.

She said portions of UDO, Section 2 need items addressed and additional diagrams within the residential districts (single and multi-family) to give more clarity in interpretation.

Ms. Huffman reviewed the following proposed UDO amendments with the Council Members:

Section 2.08 A 3 a. & J - Size of Accessory Dwelling structures or uses shall be determined by the gross floor area of the house and shall include both the finished and gross floor areas in the accessory structure or use;

Section 2.08 B. 3 - In last line "three year", change "year" to "years";

Section 2.08 B. 5. d - Remove "a" in first line;

Section 4.01 - May increase height by 10 feet if additional setback is provided;

Section 4.04, B - Add additional requirements for construction trailers and sales offices;

Section 4.04, A.3 - Add mail box kiosk requirements;

Section 4.05 - Change "pallet" to "palette"

All Industrial Districts - Allow major automotive repair in Industrial Districts as a special exception use. Currently it is only permitted in the General Business District; and,

Change all references of Board of Commissioners to Town Council in Section 3 and Section 11.

Councilman Atwell arrived at 8:17 p.m.

Ms. Huffman said staff and the Technical Review Committee and the Planning Board recommends 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 #1:** The Council approved a motion that the following statement is true: The requested UDO text amendment is consistent with the Holly Springs Ten Year Comprehensive Growth Plan policies for Land Use. The proposed modifications to the residential and industrial section create enforceable ordinances to enact Land Use policies.

**Motion By:** Womble

**Second By:** VanFossen

**Vote:** Unanimous

**Action #2:** The Council approved a motion to adopt Ordinance 07-04 to enact UDO amendment #06-UDO-08, to modify the text of UDO Section 2, Residential and Section 4, Industrial.

**Motion By:** Womble

**Second By:** VanFossen

**Vote:** Unanimous

*A copy of Ordinance 07-04 is incorporated into these minutes as addendum pages.*

**6f. Public Hearing: The Overlook at Holly Glen Zoning Vested Rights Petition 06-ZVR-03 – Ms. Huffman** said that according to UDO Section 9.08 Zoning Vested Rights provisions, zoning vested rights may be granted to allow for a site with a specific development plan to be completed under the zoning regulations in place at time of approval of the original plan.

Ms. Huffman explained that in November of 2005 Town Council approved 05-DP-08 The Overlook at Holly Glen, a development incentive plan for The Overlook at Holly Glen subdivision. She said McCar Homes is requesting for zoning vested rights for this project for a period of five years from the date of approval. She explained that zoning vested rights is being requested because the UDO development incentive regulations have changed since the plan was adopted. She said the new development options regulations require side and rear architectural design elements for all lots adjacent to open space. The old development incentives only required side and rear architectural design elements for lots adjacent to open space and less than 10,000 square feet. The project would have to comply with these new regulations unless the project is granted vested rights.

Councilman Atwell asked if this is the same site plan that was approved in Nov. 2005. Ms. Huffman said that no changes have been made to site plan, but are amendments in the process.

Councilman Atwell and Ms. Clapp discussed the new development option regulations that require side and rear architectural design elements for all lots adjacent to open space. The old development incentives only required side and rear architectural design elements for lots adjacent to open space and less than 10,000 square feet. She said without the approval of the vested rights the project would have to comply with these new regulations unless the project is granted vested rights.

Ms. Huffman said staff and the Technical Review Committee and the Planning Board are recommending approval.

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

Rita Brown 104 Wintersage Court – Ms. Brown said that her property is directly across the propose entrance into the site. She said that her property is located on a slope and being the development entrance is also on a slope, she would like to request the developer to install a retaining wall at the end of the entrance for safety for both the motorist and her property.

There being no input, the public hearing was closed.

**Action:** The Council approved a motion to grant Zoning Vested Rights petition for The Overlook at Holly Glen, 05-DP-08, for a period of five years from this date, (Feb. 20, 2007), to authorize the development of this property according to the terms and conditions of the Unified Development Ordinance in place at time of approval of the original preliminary plan.

**Motion By:** Womble

Councilmen Atwell and Mr. Schifano discussed the General Statues that addresses zoning vested rights.

Councilman DeBenedetto asked if the development goes beyond the five years as allowed in the General Statues for zoning vested rights, can the applicant come back to the Council and request for an extension. Mr. Schifano said the law does not allow for extensions, the development would either be built-out or the developer is to comply with the ordinances.

**Second By:** DeBenedetto

**Vote:** Unanimous

**7a. Wood Clipping Operation** – Mr. Luncie McNeil public works director gave a brief presentation updating the progress of the Town's wood clipping operations and benefits to the Holly Springs citizens.

Mr. McNeil briefed the Council Members how the curb side household, white goods and yard waste has decreased since the Town started charging for the pick-ups.

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

8a. Minutes - The Council approved minutes of the Council's regular meeting held on Jan. 16, 2007.

8b. Budget Amendment Report – The Council received a report of FY 2006-07 budget amendments #54 through #67 approved by the town manager. *A copy of the budget amendment report is incorporated into these minutes as addendum pages.*

8c. Performing Arts Alliance Program Memberships – The Council appointed members to the Performing Arts Alliance Program for Cultural Center events from January 1, through Dec. 31, 2007.

8d. Resolution 07-07, Review Officer Appointments – The Council adopted Resolution 07-07 recommending appointment of two plan review officers for the Town of Holly Springs. *A copy of Resolution 07-07 is incorporated into these minutes as an addendum page.*

8e. Jones Park and Veteran's Park Community and Neighborhood Grant – The Council approved Active Community and Neighborhood grant application for sidewalks and greenway trails at Jones Park and Veterans' Park. *A copy of the grant application is incorporated into these minutes as addendum pages.*

8f. Budget Amendment, \$710 – The Council adopted an amendment to the FY 2006-07 budget in the amount of \$710 to cover cost of overtime wages. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

8g. Budget Amendment, \$12,000 – The Council adopted amendments to the FY 2006-07 budget in the amount of \$12,000 from drug seizure funds to cover the cost of surveillance equipment. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

**9. Crossway Lane Temporary Speed Humps** – Ms. Stephenson explained with the Council that at the last Town Council meeting staff was directed to investigate temporary speed humps as an alternative to permanent asphalt speed humps for traffic calming measures along Crossway Lane and Kingsport Lane in the Sunset Ridge North Subdivision.

Ms. Stephenson gave a presentation describing the information received from distributors, the location of temporary speed humps, different types of temporary speed humps, and performance reports from other municipalities.

Ms. Stephenson said that the established cost for a temporary speed hump is \$5,500 for installation and \$1,000 for removal and the cost for a permanent speed hump for installation is \$2,000 and \$2,000 for removal.

There was further discussion among the Councilmen which method would be the best method to use for traffic calming devices for this area.

**Action #1:** The Council approved a motion to approve to install a four-way stop sign at the intersection of Crossway Lane and Kingsport and the second four-way stop sign at the intersection of Crossway Lane and Cliffcreek.

**Motion By:** VanFossen

**Second By:** Womble

Councilman Dickson and Atwell said that they were not in favor of installing four-way stop signs but would consider installing the temporary speed humps on trial basis.

**Vote:** The vote carried with a 3 to 2 vote – being Councilmen VanFossen, Womble and DeBenedetto in favor and Councilmen Atwell and Dickson against.

All the Council Members were in consensus to purchase one temporary speed hump to be used for special occasions, with the public works director's approval, with the condition to purchase only if public works staff can install and remove the temporary speed hump.

**Action #2:** The Council approved a motion to purchase one temporary speed hump to be used for special occasions, with the public works director's approval, with the condition to purchase only if public

works staff can install and remove the temporary speed hump.

**Motion By:** Dickson

**Second By:** Atwell

**Vote:** Unanimous

**10a. Southern Wake County Waterline Fees** – Mr. Dean requested the Council to consider tabling this item until the town attorney further investigates the agreements between the Town of Holly Springs and Wake County regarding the Southern Wake County Waterline project. Mr. Dean said the engineering department has done a good job with their research but feels a second look would be appropriate.

**Action:** The Town Council made a motion to table the payment of the Southern Wake County Waterline until the town attorney further investigates the Wake County waterline agreement.

**Motion By:** Womble

**Second By:** Atwell

**Vote:** Unanimous

**10b. Ordinance 07-05, Hazardous Materials Storage** – Mr. Schifano said this request is to establish an ordinance and policies to regulate firms or business that store, transport, and treat hazardous materials in town. He said the ordinance gives the fire chief authority to regulate such firms, charge certain fees for firms that transport and temporarily store such waste, and outright forbids any firm to commercially store or treat hazardous waste in the town or its territorial jurisdiction.

Mr. Schifano explained that the ordinance prohibits the type of companies that would store or treat hazardous waste materials on site.

Councilman VanFossen asked with the adoption of this ordinance would it make the existing and future industries in violation or would this require rewriting building or fire codes.

Mr. Schifano said that it would not interfere with companies that operate daily, but would apply only to company's who treat and store the materials on site and that it does not rewrite or replace the existing codes that are in place.

**Action:** The Council approved a motion to adopt Ordinance 07-05, enacting the Transfer, Storage, and Treatment of Hazardous Materials and Regulation of Hazardous Waste.

**Motion By:** Atwell

**Second By:** Dickson

**Vote:** Unanimous

**11. Other Business:** Councilman Dickson reported a possible violation at the Exxon Station is missing canopies and there are dead trees in the landscaping.

**12. Manager's Report:** Mr. Dean said Mr. Honeycutt has request the Town to consider a 10 acre tract of property located along Piney-Grove Wilbon Road for a 10 lot subdivision. Mr. Dean explained that the Town is not changing the current policy to allow the proposed subdivision.

Mr. Dean said that there are two options that the Council can consider for Mr. Honeycutt's property- option 1 the current polices allows the property owner to subdivide the property into four tracts of land, which would create a minor subdivision. He said that the plan would need to dedicate future utility and road way easements and would need to be annexed.

Mr. Dean said option 2 the property owner could request for an exception for a major subdivision to allow for an additional six lots to be served without water and sewer, but on well and septic tank. He said that under the current policies all major subdivisions are required to be annexed and to connect to public utilities. Mr. Dean said the property is approximately 2,100 feet from public utilities.

After much discussion the Council Members directed Town staff to bring this item back to the next Town Council meeting for deliberation.

**13. Closed Session:** None.

**14. Adjournment:** There being no further business for the evening, the February 20, 200, meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Atwell, a second by

Councilman Womble and a unanimous vote.

Respectfully Submitted on Tuesday, March 6, 2007.

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Linda R. Harper, CMC, Deputy Town Clerk

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