



November 20, 2012

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Nov. 20, 2012 in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Sears presided, calling the meeting to order at 7 p.m. A quorum was established as the mayor and five council members were present as the meeting opened.

Council Members Present: Mayor Sears and Councilmen James Cobb and Tim Sack; Chet VanFossen and Councilwomen Linda Hunt Williams and Cheri Lee.

Council Members Absent: None.

Staff Members Present: Carl Dean, town manager; Chuck Simmons, assistant town manager; John Schifano, town attorney; Linda Harper, deputy town clerk, (recording the minutes); Gina Clapp, director of planning and zoning; Laura Holloman, planner I; Jeff Wilson, information technology director; Aaron Levitt, engineering project coordinator; Jenny Mizelle, director of economic development; Leroy Smith, fire chief; Battalion Chief Holland; Battalion Chief Cammack; Caption Hussey; Engineer Harasti; Engineer Henderson; Firefighter Walton; Firefighter Bass; Mark Andrews, public information officer; Elizabeth Goodson, development review engineer; Kristen Denton, athletics program manager; and Len Bradley, director of parks and recreation.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Pastor Thomas Newman of Holly Springs Sunrise Methodist Church.

4. Agenda Adjustment: The Nov. 20, 2012 meeting agenda was adopted with changes, if any, as listed below.

Motion By: Sack

Second By: Cobb

Vote: Unanimous

Items added to Consent Agenda as: None.

Items removed from Special Recognition Agenda: 6c. Meg's Smile Foundation fund-raising event, to be presented at the next Council meeting.

Items removed from the agenda: 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. The following input was recorded: None.

6a. Fire/Rescue Department Supports Cancer Organizations - Fire chief Smith presented checks to the local Susan G. Komen Foundation in the amount of \$2,000 and a check to the American Cancer Society in the amount of \$2,000 from the sales of the pink Fight Like A Girl T-shirts that the Holly Springs Fire / Rescue Department sold.

Candice Murray of the American Cancer Society thanked the fire department staff and

the Town for all their support received and with the Relay for Life event. Ms. Murray invited the Town Council and community to joint with their support in a Cancer Prevention Study-3 program that is schedule for March 21, 2013 at the Holly Springs fire station. This will further assist cancer prevention research and hopefully save lives in the future.

Action: No Action.

6b. Recreation and Parks Association Young Professional of the Year Award - Mr. Bradley said at an annual North Carolina Recreation and Parks Association state conference on Nov. 11, Kristen Denton was awarded the NCRPA Young Professional of the Year award.

He said Kristen has worked with the Town of Holly Springs since 2004 and became a Certified Parks and Recreation Professional in 2009. The work she has done in her current position as Athletics Program Manager and her dedication to the field of Parks and Recreation was recognized at the annual awards luncheon held in Greenville. Kristen truly is an asset to the Town of Holly Springs and the Parks and Recreation department.

Ms. Denton thanked the Council for the recognition and said that she has enjoyed her career with the Town.

Action: No Action.

6c. Meg's Smile Foundation Fund-raising - This item was removed from the agenda during agenda adjustment, to be heard at the next Council meeting.

7a. Public Hearing: Ordinance 12-11, Unified Development Ordinance 12-UDO-04 - Ms. Clapp said when the Unified Development Ordinance (UDO) was drafted in 2002, one of the goals was to "unify" all of the development regulations that were in the Town Code, Zoning Ordinance and Subdivision Ordinance into one document. On Nov. 8, 2002, the UDO was adopted as Appendix A of the Town Code.

All of the parks and recreation land dedication and payment of fee-in-lieu of land dedication requirements were updated at that time and included in the UDO. However, upon adoption of the UDO, these requirements were not removed from the main body of the Town Code (Chapter 10, Article II), which has caused some confusion over the years.

She said the proposed amendments will maintain the Parks and Recreation land dedication and payment of fee-in-lieu regulations in the UDO and remove the requirements from the Town Code to maintain a consistency of development-related regulations in a single document. In summary, the proposed amendments requested by Len Bradley, director of Parks and Recreation, are to accomplish the following:

1. Clarify that fees are calculated at the current FY rate at time of payment at final plat recording.
2. Add language that the fees are automatically increased by the CPI each year
3. The construction and dedication of required greenways are not to count toward the required parks and recreation fees and credits - these facilities are to be equivalent to all other required infrastructure (roads/sidewalks/etc.)
4. Clarify that all previously-approved subdivisions will be charged at the current FY rate at time of payment at final plat recording - not at the rate that was in place at time of subdivision approval, unless other agreements have been put into place.

Ms. Clapp said as written, any subdivision that has been previously approved that does not have a developer agreement with the Town Council locking in the parks and recreation fees will be subject to payment of fees in the amount that is specified on the current fiscal year's fee schedule as when the lots are being platted/recorded. Previously, fees were calculated based upon the fee schedule in place on the date of the approval of the subdivision by the Town Council.

There was a brief discussion of developer fees and fees-in-lieu of past developments. Mr. Schifano said these amendments would make administration of the fees easier.

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

There being no comments, the public hearing was closed.

Action #1: The Council approved a motion to accept the following statements as true: “*The requested UDO Text Amendment is consistent with the Vision Holly Springs Comprehensive Plan Objectives for Section 2: Transportation and Section 3: Parks, Recreation, and Open Space.*”

Motion By: VanFossen

Second By: Cobb

Vote: Unanimous

Action #2: The Council approved a motion to adopt Ordinance 12-11 to amend the Town Code, Chapter 10, Article II and to approve and enact UDO Text Amendment #12-UDO-04, Sections 7.06 Design and Public Place Reservation and Section 7.10 Open Space Regulations as submitted by the Town of Holly Springs.

Motion By: VanFossen

Second By: Cobb

Vote: Unanimous

A copy of Ordinance 12-11 is attached to these minutes.

7c. Public Hearing: Special Use Exception Petition 12-SEU-07 - Ms. Holloman said the Town received a request to re-locate a major automotive repair facility that currently is located in the General Concrete building within the Holly Springs Business Park.

She said the applicant has had much success since opening in March and would like to move into a bigger space down the street in an existing industrial flex space building known as the Pacos building. In the building, leasing space is made up of office space in the front and warehouse space with roll-up doors in the rear. In total, the flex building is approximately 5,800 square feet and currently houses one business, Pacos Construction Company.

The applicant would like to occupy a 2,900 square foot vacant space as necessary to perform the following automotive repair: vehicle (auto/small truck/gas/diesel) service and repair; tune-ups/oil changes/brakes/axels/transmission removal/replace (not to be rebuilt at proposed location) engine removal/replace (not to be rebuilt at proposed location), new and used tires, as well as other general vehicle maintenance as required by the manufacturer.

With that explanation completed, Mayor Sears opened the public hearing to accept sworn testimony. The following testimony was recorded under oath administered by the Deputy Town Clerk: None.

There being no testimony, the public hearing was closed.

Action #1: The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for Special Exception Use Petition #12-SEU-07 for Holly Springs Vehicle Service re-location as submitted by C. Denny Brookwell, dated 10/8/12:
Special Exception Use Findings of Fact:

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

- a. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
- b. The proposed use will not injure or adversely affect the adjacent area;
- c. The proposed use will be consistent with the character of the district, land uses authorized therein, and the Town of Holly Springs Comprehensive Plan;
- d. The proposed use shall conform to all development standards of the applicable district (unless a waiver of such development standards is requested as part of the special exception use petition and approved as set forth above, in which case the proposed use shall conform to the terms and conditions of such waiver).

- e. Access drives or driveways are or will be sufficient in size and properly located to: ensure automotive and pedestrian safety and convenience, traffic flow as set forth in Section 7.09 - Pedestrian Circulation and Vehicular Area Design; and, control and access in case of fire or other emergency;
- f. Off-street parking areas, off-street loading areas, trash enclosures, trash pick-up and removal, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties and properties in the general neighborhood;
- g. The lot, building or structure proposed for the use has adequate restroom facilities, cooking facilities, safety equipment (smoke alarms, floatation devices, etc.), or any other service or equipment necessary to provide for the needs of those persons whom may work at, visit or own property nearby to the proposed use;
- h. Utilities, schools, fire, police and other necessary public and private facilities and services will be adequate to handle the needs of the proposed use;
- i. The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts; and,
- j. The type, size, and intensity of the proposed use (including but not limited to such considerations as the hours of operation and numbers of people who are likely to utilize or be attracted to the use) will not have significant adverse impacts on adjoining properties or the neighborhood.

Motion By: Cobb

Second By: Williams

Vote: Unanimous

A copy of Special Exception Use Petition 12-SEU-07 addressing the findings of fact is attached to these minutes.

Action #2: Having made the necessary findings of fact, the Council approved a motion to approve Special Exception Use Petition #12-SEU-07 for Holly Springs Vehicle Service relocation as submitted by C. Denny Brookwell, dated 10/8/12 with the following condition:

- 1. Business operations must adhere to the evidence submitted by the applicant as stated in the findings of fact submitted in conjunction with 12-SEU-07.

Motion By: Cobb

Second By: VanFossen

Vote: Unanimous

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

7a. Budget Amendment Report - The Council received a monthly report of amendments to the FY 2012-13 budget approved by the town manager. *A copy of the budget amendment report is attached to these minutes.*

7b. Budget Amendment, \$146,650 - The Council adopted amendment to the FY 2012-13 budget in the amount of \$146,650 to cover costs of bond issue administration. *A copy of budget amendment is attached to these minutes.*

9a. West Holly Springs Road Sidewalk Project - Mr. Levitt explained the Town Council approved the design contract for the West Holly Springs Road sidewalk project in August of 2012. This project will create a pedestrian connection along West Holly Springs from Main Street to the G.B. Alford Hwy. bypass. Since then, the design of this sidewalk has progressed, and property owners adjacent to the project were invited to a public information meeting to discuss the project and their questions and concerns.

He said on Nov. 7, citizens met with town staff and Sungate Design Group, design consultant, and presented the proposed sidewalk alignment.

There were a discussion of the time line for widening of W. Holly Springs Road and the cost of removal of the sidewalk when road widening occurs.

Action: The Council approved a motion to endorse the proposed alignment for the West Holly Springs Road sidewalk project.

Motion By: Williams

Second By: Sack

Vote: Unanimous

9b. Grigsby Avenue Phase 2 Sidewalk Project - Mr. Levitt said the Town Council approved the project budget and survey contract for the Grigsby sidewalk Phase 2 project in April of 2012. This project connects the sidewalk gap just west of Womble Park.

He said since then, the design of this sidewalk has progressed, and property owners adjacent to the project were invited to a public information meeting to discuss the project and their questions and concerns. The meeting was held Nov. 7, but no citizens attended the event who was concerned about the Grigsby sidewalk project, and no comments were submitted.

Action: The Council approved a motion to endorse the proposed alignment for the Grigsby sidewalk Phase 2 project.

Motion By: Williams

Second By: Cobb

Vote: Unanimous

9c. Main Street Extension Project Phase 2 - Ms. Sudano said that Council will recall that last year the Town secured an 80% grant for the environmental “NEPA” component of a new critical project for the Town called Main Street Extension. This project will connect Piney Grove-Wilbon Road to G.B. Alford Highway, which will relieve several intersections along Avent Ferry Road that carry extremely large volumes of local and regional commuting traffic. The NEPA process has involved:

- environmental field work “on location,”
- preliminary design of several alternatives,
- and an extensive public involvement and all environmental permitting,
- culminating in selection of a final alternative alignment (this portion of the process is still in the final stages).

Ms. Sudano said staff refers to this as Phase I of this project, and it will be complete by March 2013.

She said this year the Town has secured an 80% grant for Phase 2 of this project. This includes final design and right of way acquisition. The total project Phase 2 cost is estimated at \$1,430,000. The NCDOT will fund \$1,144,000, and the Town will fund \$286,000 (the required amount of Town participation.) The municipal agreement outlines the terms of the grant. Once this is approved, the Town will select a consultant and begin final design. This phase of the project will take approximately one year.

She said staff currently is applying for grant funding for Phase 3, which is construction of the project. If this is successfully procured, construction of this project will begin within 18 months.

Action: The Council approved a motion to adopt Resolution 12-31 authorizing municipal agreement with NCDOT for Phase 2 of the Main Street Extension project and adopt budget amendments to facilitate the acceptance and assignment of grant funds.

Motion By: Sack

Second By: Cobb

Vote: Unanimous

A copy of the Resolution 12-31 and budget amendments are attached to these minutes.

9d. Marketing Analysis - Mr. Dean said this request is to consider entering into a contract with Convergent for work and action plan for two primary purposes: (1) to gauge the community's perception and satisfaction of the current state and future plans for the Town of Holly Springs and (2) to utilize that information to develop a marketing plan seeking private sector investors for the North Main Athletic Complex.

He said Convergent is a local firm knowledgeable of the region's assets and is able to direct the opportunity analysis on behalf of the Town based on their extensive experience with private sector campaigns primarily managed on behalf of Chambers of Commerce and Economic Development Organizations.

Mr. Dean said Convergent will be conducting interviews with businesses for their investment and support. He said staff expects the results of their findings January 14, 2013. He said the cost of the contract services is \$22,500 and is covered in this year's budget.

Action: The Council approved a motion to enter into a contract with Convergent to conduct an opportunity analysis for the Town.

Motion By: Cobb

Second By: Williams

Vote: Unanimous

10. Other Business: Councilwoman Lee commented that the Thursday, November 15 meeting at the W. E. Hunt Recreation Center was great the Town received a lot of positive feedback from citizens.

Mayor Sears commented that he entertained two groups of second graders this week and they were a great group of kids.

Councilman Cobb said thank you from the Food Cupboard to the Holly Springs community for support of feeding 116 families a thanksgiving dinner.

Councilwoman Lee said the Fuquay-Varina soup kitchen needs help delivering thanksgiving meals to families this Thursday November 22, 2012.

Mayor Sears congratulated the Girls Scouts of American on their 100 year anniversary at an event Saturday, November 17, at Womble Park and thanked the parks and recreation staff for set-up and their work.

11. Manager's Report: Mr. Dean said the Veterans Day service held at Veterans Park was a success and staff did a great job. Mr. Dean commented that town staff is doing a great job representing the Town in the community and he informed the Council of the angel tree that was in the lobby of Town Hall. Council Members asked for more information regards to the angel tree project.

12. Closed Session: The Council approved a motion to enter Closed Session, pursuant to General Statute 143-318.11(a)(3) to discuss an attorney-client privilege of a potential legal lawsuit against the Town.

Motion By: Sack

Second By: VanFossen

Vote: Unanimous

General Account of Closed Session - Nov. 20 , 2012

In general, the town attorney discussed with the Council a matter of two potential lawsuits against the town dealing with two contracts.

The town attorney said this was for information only no action is needed at this time. No action was made in closed session.

The Council approved a motion to return to open session. The motion was made by

Councilman Sack and seconded by Councilman VanFossen, and the vote was unanimous.
-- End of General Account

In open session the town manager updated the Council of the request from the Town of Fuquay-Varina for ETJ area and the Apex boundary alignment, as well as, the progress of the Baucom tract. Mr. Schifano reported the acquisition of the Sugg property will be closing on December 31, 2012.

13. Adjournment: There being no further business for the evening, the Nov. 20, 2012 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Sack, a second by Councilman Cobb and a unanimous vote.

Respectfully Submitted on Tuesday, Dec. 18, 2012.



Linda R. Harper, MMC, NCCMC
Deputy Town Clerk

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

