



April 21, 2015

## MINUTES

The Holly Springs Town Council met in regular session on Tuesday, April 21, 2015 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 four council members were present as the meeting opened.

**Council Members Present:** Mayor Sears, Councilmen James Cobb, Tim Sack and Hank Dickson and Councilwomen Linda Hunt-Williams and Cheri Lee.

**Council Members Absent:** None.

**Staff Members Present:** Charles Simmons, town manager; John Schifano, town attorney; Joni Powell, town clerk, (recording the minutes); Linda Harper, deputy town clerk; Daniel Weeks, senior project manager; Jeff Wilson, information technology director; Jenny Mizelle, economic development director; Len Bradley, parks and recreation director; Adam Huffman, assistant parks and recreation director; Gina Clapp, planning and zoning director; Jeff Jones, senior planner; Leroy Smith, fire chief; John Herring police chief; Aaron Levitt, senior engineer; Elizabeth Goodson, development review engineer; Tamara Ward, communications specialist and Mark Andrews, public information officer.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rabbi Edery of Temple Beth Shalom.

**4. Agenda Adjustment:** The April 21, 2015 meeting agenda was adopted with changes, if any, as listed below.

**Motion by:** Sack

**Second by:** Cobb

**Vote:** Unanimous

**Items added to Consent Agenda:** None.

**Items added to Agenda:** Report by the Holly Springs Chamber of Commerce was added to Requests and Communications

**Items removed from Consent 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 comments were recorded: None.

**6a. Kids Appreciation Day –** Mayor Sears said the Kiwanis Club of Holly Springs is planning an event to show the children of this community the Town's appreciation. A "Kids Appreciation Day" celebration is set for Saturday, May 2 at Sugg Farm Park.

Mayor Sear presented a mayoral proclamation pronouncing May 2, 2015 as "Kids Appreciation Day" in Holly Springs will commemorate this event.

The Terrific Kids program as well as Kids Appreciation Day are projects of the Kiwanis Club of Holly Springs.

KA Day is one of the most anticipated annual family-focused, fun-filled events for Holly Springs' kids, their families, and our schools. It enables our families and our business community to join with our schools to celebrate the end of the school year.

It is presented by the Town of Holly Springs Parks and Recreation and the Kiwanis Club of Holly Springs—a civic club that is dedicated to serving the children of Holly Springs. Kiwanians are part of a

worldwide civic organization that make “Young Children: Priority One.” Each year attendees enjoy a community festival and the Kiwanians highlight students and teachers chosen by their schools as “Terrific Kids” and “Terrific Teachers.”

At this time, Councilman Cobb, also a Kiwanis member, presented the Terrific Kids and Terrific Teachers for each school campus.

**Action:** None.

**Requests and Communications** -- At this time, Executive Director Leeann Plumer and Board of Directors President Josh Dunbar addressed the Council with a quarterly update from the Holly Springs Chamber of Commerce. The two reported on programs and projects and expressed appreciation for the Town of Holly Springs as a partner and supporter.

Mr. Dunbar attributed the Chamber’s membership growth of 20% to the smart growth that Holly Springs is experiencing. He said people are starting want to locate their businesses here

Ms. Plumer then reported on the past quarter’s activities. She, too, expressed delight that the town is growing, pointing out that a “town that is not growing is not going anywhere.”

**Action:** None.

**7a. Farmers Market, Season Nine** – Ms. Clapp provided an update on the first Winter Market and the opening of Farmers Market Season 9 with an invitation to everyone to the Season Opening Saturday, May 2 from 8:30 a.m. to 12:30 p.m. She said Mayor Sears will cut the ribbon at 8:30 a.m. to start the new season. The Farmers Market will be open each Saturday from 8:30 a.m. to 12:30 p.m. May 2 through Oct. 10 in the E. Center Street public parking lot.

Ms. Clapp provided an overview on the market’s vendors, special events and sponsors including the 2015 Blue Ribbon Sponsor GMA Supply.

**Action:** None.

**8a. Public Hearing: Comprehensive Plan Amendment 15-CPA-01** – Mr. Jones said that staff is proposing several updates to the Future Land Use section of the *Vision Holly Springs Comprehensive Plan*. The first set of amendments to this section is to consolidate both gateway plans; Southern and Northeast, respectively, into the future land use section and to remove these two plans as stand-alone plans that are located in the appendix of *Vision Holly Springs*. By consolidating these two plans into the Future Land Use section, Mr. Jones said, we eliminate the need to keep separate documents and to make the vision of these two important gateways in to Town easier to understand. By removing the stand-alone gateway plans, we have not lost the important parts of the plan that lay out the vision of the area. Much of the gateway plans are discussed elsewhere in *Vision Holly Springs* or in other plans or documents that have been adopted by the Town Council, such as, the Comprehensive Transportation Plan.

Secondly, Mr. Jones said, staff has written a new section of the Future Land Use section that discusses the North Main Corridor Area that has been under review for most of the past year. During 2014, staff conducted a number of internal meetings to plan out this area because we understand that once the new park is up and running there will be a bigger catalyst for development is this area. What started out as a corridor plan that would give an idea of how development would occur and look evolved into staff’s looking more at the future land uses in this area as currently defined, i.e. mixed use and residential designations, and establishing a defined vision for this corridor. The draft identifies areas where we would like to see commercial, office, mixed use, and residential along the North Main Corridor rather than the current broad “mixed use” classification. Mr. Jones said that while studying the area staff conducted an online survey that polled nearly 600 residents, as to what types of uses they would like to see and when development occurs what that development should look like. We will use these results to help with potential drafting of ordinance language as we move into the implementation phase of this plan.

Mr. Jones reported on the survey results. He said:

**Highest ranking uses in survey were:**

- *Restaurants* – 86.14%
- *Entertainment* – 63.19%
- *Commercial Retail* – 58.75%

**Most people want:**

- destination development with high-end retail and sit-down restaurants
- limited drive-through restaurants
- entertainment type development (Adventure Landing type)
- the area's look and feel should be of high quality
- transportation options like street improvements, new connecting streets, bike lanes and greenways

Mr. Jones added that earlier this month, staff held a public meeting and invited all property owners within the study area to come and see a draft land use map and to discuss their thoughts on the area and what they vision for future development. He said about 20 residents or property owners attended, and he said staff was especially appreciative that residents of Easton Acres came out to discuss their community and what they see for the future of Easton Acres.

Some from Easton Acres expressed an interest to keep the neighborhood designated as residential, and we are proposing to do so, Mr. Jones said. The exception to that would be land that has frontage along N. Main Street to designate that area for future commercial. These designations are not much different than current land use designation for the area.

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

There being no input, the public hearing was closed.

**Action:** The Council approved a motion to adopt Resolution 15-14 to approve and enact Comprehensive Plan Amendment #15-CPA-01 amending the Land Use Element of *Vision Holly Springs* and removing Appendix #A-2.2 and #A-2.3 and to allow staff to make final formatting editing.

**Motion by:** Sack

**Second by:** Cobb

**Vote:** Unanimous.

*A copy of Resolution 15-14 is attached to these minutes.*

**9. 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 Councilman Cobb and a unanimous vote. The following actions were affected:

**9a. Minutes** – The Council approved minutes of Town Council meetings held March 3 and 17 and April 7, 2015.

**9b. Century Link Services Contract** – The Council approved Century Link services in the amount of \$16,624 for the Law Enforcement Center project.

**9c. Law Enforcement Center Project** -- The Council approved a \$16,699 contract amendment to cover weather-related cost overages for special inspections and construction materials testing in the Law Enforcement Center project.

**9d. Law Enforcement Center Project** - The Council approved to enter into a contract with Sonitrol for \$34,445 for security services for the Law Enforcement Center.

**9e. Law Enforcement Center Project** – The Council approved to award a contract to Tech Electric Corporation in the amount of \$38,535 for network wiring for the Law Enforcement Center.

**9f. North Main Athletic Complex Project** - The Council approved construction contract change order requests for T. A. Loving in the credit amount of \$1,693 for lighting changes in the North Main Athletic Complex project.

**9g. Resolution 15-16** – The Council adopted Resolution 15-16 declaring certain personal property surplus to the needs of the town. *A copy of Resolution 15-16 is attached to these minutes.*

**10a. Extraterritorial Jurisdiction and Short-Range Urban Services Area** - Ms. Clapp said in response to the Town of Holly Springs' solidifying our annexation agreement boundaries with all three neighboring municipalities, staff from Planning, Engineering, Public Utilities and Administration have been assessing the Town's growth patterns and anticipated growth areas. As a result, staff has prepared a recommended extension of the Town's extraterritorial jurisdiction (ETJ) and short range urban service area (SRUSA.)

Ms. Clapp said the area being requested for ETJ extension is primarily to the west and south of the Town's current limits as well as to the east. The Town's ETJ is an area where we anticipate utilities (water and sewer) being available for the properties within the next five to 10 years. The state regulates

where a municipality may request ETJ. For municipalities over 25,000 (such as Holly Springs) the area must be within three miles of the Town's contiguous Town limits.

She said in Wake County, the Board of Commissioners must agree to grant any extension of a municipality's ETJ, and may rescind the approval of an ETJ extension. The Board of Commissioners has adopted the following criteria to consider when making this determination including the potential and timing for an area's development, the Town's ability to provide services, and its capability and commitment to good planning and managing of development. If a Town is granted ETJ, the Town assumes the planning, zoning, and building code responsibilities for those properties although the properties are not annexed into the Town and the property owners do not pay any Town taxes, but would receive planning and building services from the Town.

The purpose of extending ETJ is to enable the Town to better ensure that development patterns and associated infrastructure will allow the efficient provision of urban services. Upon the Council's agreeing to request the ETJ extension, Staff will prepare the official responses to the Wake County Criteria and submit our request for consideration.

The area being requested for SRUSA extension is essentially the remainder of Holly Springs' planning area.

Wake County defines Short Range Urban Service Areas as being those areas within the "sewer sheds" of the municipal sewer system extensions projected to occur in the next 10 years that lie within approximately one mile of the extension. Due to current development proposals and the anticipation of continued development throughout the western area of our planning area, we feel that the areas west of our Town limits to the Harnett and Chatham County lines will all be within one mile of public utilities within 10 years. Therefore, we are requesting to change the designation of these areas (outside of the ETJ request) from a long-range urban service area designation to SRUSA.

For properties within the SRUSA, they will remain under Wake County Planning and Building Code, however, if a development request is submitted, the developer will be required to work with Holly Springs to determine if water and/or sewer are within a reasonable distance to require connection to Holly Springs utilities. It is the goal of the SRUSA for these areas to be developed in an urban fashion. Upon the Council's agreeing to request the SRUSA extension, Staff will prepare an official request to Wake County for consideration.

Once the submittals are made with the County, the Wake County Planning Department will evaluate the request, provide comments, recommended modifications, etc. Holly Springs will have an opportunity to respond. The request will then be brought before the Wake County Planning Board at a public meeting (or meetings), then to the Wake County Board of Commissioners at a public hearing. As these dates are known, information will be provided on the Town's webpage and those property owners within the proposed ETJ area, will be notified by letter of the dates and again of all public hearings.

**Action #1:** The Council approved a motion to adopt Resolution #15-18 requesting that the Wake County Board of Commissioners extend the Town of Holly Springs extraterritorial jurisdiction and authorizing staff to submit the request.

**Motion by:** Williams

**Second by:** Sack

**Vote:** Unanimous.

*A copy of Resolution 15-18 is attached to these minutes.*

**Action #2:** The Council approved a motion to adopt Resolution #15-19 requesting that the Wake County Board of Commissioners extend the Town of Holly Springs short range urban service area and authorizing staff to submit the request.

**Motion by:** Dickson

**Second by:** Cobb

**Vote:** Unanimous.

*A copy of Resolution 15-19 is attached to these minutes.*

**10b. Holly Springs Baseball, LLC Lease Agreement** - Mr. Bradley said this request for consideration is a 10-year license agreement for partial exclusive use of the North Main Athletic Complex's all sports stadium. The agreement gives the right to Holly Springs Baseball, LLC (the Holly Springs Salamanders) the exclusive right to use the stadium at certain times during the year.

The usage is categorized into five different categories.

Category 1 is for the team's home games, approximately 40 per year. The licensee will get top scheduling priority for these games.

Category 2 events are non-ticketed events such as clinics.

Category 3 events are ticketed events that are run by the licensee, where the town will receive additional revenues in the form of 40% of the ticketed proceeds.

Category 4 events are jointly sponsored events between the town and the licensee, and

Category 5 events are 100% town usage.

The agreement is set up to maximize the town's usage, while still generating an income from a reliable source, ie, the Salamanders. The company does not have an exclusive right to any more than approximately 1/3 of the available usage of the facility. The base license fee will be \$75,000 annually for the first five years, and \$95,000 per year for the second five, plus 40% of ticketed revenues from any admissioned event run by the company (other than regular Salamander home games).

Mayor Sears reminded everyone that the Holly Springs Salamanders will open their season at North Main Athletic Complex May 28.

**Action:** The Council approved a motion to enter a 10-year license agreement with Holly Springs Baseball, LLC for use of the all sports stadium at North Main Athletic Complex and authorize the town manager to execute the agreement.

**Motion by:** Sack

**Second by:** Williams

**Vote:** Unanimous.

**10c. Hospital Certificates Of Need Resolution** – Ms. Powell said that in recent years, individual Council members and Mayor Sears have expressed frustration over the State of North Carolina's Certificate of Need processes for hospitals and clinics. There are at least two legislative pieces, one submitted in the House and another in the Senate, that could erode away at the program.

Enclosed in your packet is a copy of House Bill 200 and Councilman Dickson's email asking that this be brought before the Council in a meeting. Also enclosed is an article forwarded this morning by Councilwoman Williams with a Charlotte Observer article with bill sponsor Senator Apodaca, hospital industry reps and lobbyist reaction to a Senate offering that out and out calls for a repeal of the entire process. The article provides both sides of the issue for your consideration.

Does the Council want to stand behind either or both of these potential laws? Major legislators have not taken their positions yet, so now may be a good time for you to make a case, Ms. Powell said.

Ms. Powell said she would listen to discussion and then draft a resolution memorializing the Council's position for an upcoming Consent Agenda.

Councilman Sack said, having experienced the CON process, he is frustrated. Even when a decision is made, it still takes 10 years while the appeals process plays out. If the CON process were eliminated, communities would have an easier time having the health care and medical needs they need, dependent upon the market.

Councilwoman Williams said she feels the CON process serves a purpose in preventing the duplication of services so she would support a revamping of the program if not elimination of it. She said she would support changes to the appeals process, for instance.

Councilman Dickson said he knows more than half the states have abandoned the CON procedure because those states determined the process did not serve its purpose of controlling medical costs and ensuring medical service availability for all areas. He feels the market should and would determine where hospitals are best located. A personal health issue, he said, resulted in his having a more invasive procedure because of the CON process that limited the availability of a less invasive procedure in this area.

Councilman Sack agreed, saying that not only hospitals, but many ancillary needs are covered by CON.

Councilwoman Lee said she felt that patient service would benefit from elimination of the CON process.

Councilman Cobb said his personal sentiment is he would support an outright repeal of the CON program, but if it can't be repealed all together, then he would support legislation that would at least address and revamp the appeal process.

Mayor Sears said he has felt the CON process needs to be eliminated ever since Holly Springs endured several hearings in efforts to get a hospital for southern Wake County starting back in 2004

when Novant was ready and willing to make an investment here. Novant's application was denied in favor of other applications from medical organizations established in the area, casting doubt in his mind that the CON process served its purpose to prevent medical monopolies.

**Action:** The Council directed Ms. Powell to draft a resolution expressing the Council's support of HB200 calling for slight modifications and Sen. Apadoca's stronger senate proposal to eliminate the CON process altogether and expressing support for strong modifications to the appeals process if the CON process is not eliminated entirely.

**11. Other Business:** None requiring Council action.

**12. Manager's Report:** None requiring Council action.

**13. Closed Session:** None. Or The Council approved a motion to enter Closed Session, pursuant to North Carolina General Statute 143-318.11(a)(3) to discuss with the town attorney a matter of potential litigation involving the Main Street extension project.

**Motion by:** Sack

**Second by:** Cobb

**Vote:** Unanimous

***General Account of Closed Session – April 21, 2015.***

In general, Council received an update from the town attorney on the progress toward acquisition of right of way from a few property owners along the roadway project. The Council gave direction regarding spending limits in the acquisition.

The Council then approved a motion to return to open session.

***-- End of General Account***

**14. Adjournment:** There being no further business for the evening, the April 21, 2015 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, May 5, 2015.

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These minutes follow and are a part of the official record.

